APPENDIX E

ALABAMA BUILDING COMMISSION ADMINISTRATIVE CODE

This appendix contains the Alabama Building Commission Administrative Code, which has been adopted by the Commission pursuant to the Administrative Procedures Act, Title 41, Chapter 22, Code of Alabama 1975, and filed with the Alabama Legislative Reference Service. This Administrative Code contains the "Rules" of the Alabama Building Commission.

As of the printing of this August 2001 edition of the Manual of Procedures, amendments to four Rules have been approved by the Commission, have been filed with the Alabama Legislative Reference Service, and will become effective November 1, 2001. These Rules appear herein as amended to become effective November 1, 2001. These Rules are:

170-X-1-.05 GENERAL METHODS of OPERATION
170-X-2-.01 ADOPTED STANDARD CODES.
170-X-4-.07 APPLICATION of BASIC FEE RATE
170-X-4-.08 COST OVER-RUNS

ALABAMA BUILDING COMMISSION
ADMINISTRATIVE CODE

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ALABAMA BUILDING COMMISSION

CHAPTER 170-X-1
ORGANIZATION AND AUTHORITY

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170-X-1-.01 CREATION and EMPOWERMENT.

The Alabama Building Commission was created by Act No. 128 of the 1945 regular session of the Alabama Legislature. Act No. 290, also of the 1945 regular session, authorized and directed the Alabama Building Commission to promulgate and enforce a code of minimum building standards for state building and construction, school houses, hotels, and moving picture theaters. Act No. 766 of the 1978 regular session required the Alabama Building Commission to adopt, promulgate and enforce a state building code containing energy conservation measures to be used in all future construction or remodeling of buildings which are constructed with state appropriated funds. These acts are codified in Title 41, Chapter 9, Article 6 of the Code of Alabama, 1975.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§41-9-140 through 174
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-1-.02 ORGANIZATION.

The membership of the Alabama Building Commission consists of the Governor as chairman, the State Health Officer, the Director of Finance, the State Superintendent of Education, four (4) members from the Senate to be elected by that body at each regular session of the Legislature, and four (4) members from the House of Representatives to be elected by that body at each regular session of the Legislature. The Budget Officer of the State Department of Finance serves as the secretary, but is not a member. The Commission maintains a full-time Technical Staff, headed by a Director, through which its policies and duties are carried out.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-140 & 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-1-.03 DEFINITIONS.

As used in this administrative code the following words and phrases shall have the following meanings, respectively:

(a) Commission: The Alabama Building Commission composed of the Governor, the State Health Officer, the Director of Finance, the State Superintendent of Education, four members from the Senate, and four members from the House of Representatives.

(b) Director: The person appointed by the Commission to serve in the senior administrative position of the Technical Staff.

(c) Manual: Short for the Manual of Procedures of the Alabama Building Commission, which is prepared and published by the Technical Staff to establish procedures to effect compliance with the rules of this administrative code, applicable state laws and regulations, and the policies of the Commission.

(d) Primary Design Professional: The Alabama registered architect, engineer, or architectural or engineering firm under contract with an awarding authority or owner.

(e) State Building Code: The body of building standards published by code writing organizations which has been adopted by the Commission as minimum building standards applicable to state building and construction, schoolhouses, hotels, and moving picture theaters.

(f) Technical Staff: The full-time staff of architects, engineers, administrators, inspectors, support personnel, and contract personnel employed to carry out the policies and duties of the Commission on a daily basis.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-1-.04 POWERS and DUTIES.

(1) The Commission has full power and authority to provide for and supervise the planning, design, construction, renovation, and improvement of state buildings, including entering into contracts as necessary to implement this power and authority and to acquire land for the location of state buildings.

(2) The Commission is authorized and empowered to make and adopt all necessary rules, regulations, and plans for its own guidance and for the proper conduct of the duties imposed upon it.

(3) The Commission is authorized and directed to adopt, promulgate, and enforce a state building code and to keep the code updated and consistent with acceptable architectural and engineering practices. The state building code is to include an energy conservation code which shall be applicable to all buildings

constructed or remodeled after May 2, 1978, with state appropriated funds or funds from any other instrumentality of the state. The Director shall prepare and offer such training and assistance as the Commission deems necessary in implementing this code.

(4) The Commission is responsible for reviewing plans and specifications for compliance with accessibility standards prescribed by the State Fire Marshal for public buildings and facilities. The Director is authorized to construe and interpret such standards and to adopt and enforce rules and regulations prescribing additional standards prescribed by the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities: State and Local Governments (ADAAG). (See §§ 21-4-5 & 6 for shared authority and responsibility.)

(5) The Commission may appoint and dismiss any officers, employees and agents including competent architectural and technical employees as may be necessary to effectuate its powers and duties. All employees of the commission are subject to the provisions of the merit system.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§41-9-141, 161, & 171, and 21-4-5 & 6
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-1-.05 GENERAL METHODS of OPERATION.

(1) The Commission convenes upon the call of the Governor or at such time or times as the Commission may designate by resolution recorded in its minutes.

(2) The Commission maintains a full-time Technical Staff, headed by a Director, which is charged to:

(a) Evaluate and adopt, through the Director, codes, code revisions, or code supplements as published by code publishing organizations (with modifications) for inclusion in the State Building Code.

(b) Enforce the State Building Code and other regulations through review of proposed construction plans, specifications, contracts and related documents, and inspection of in-progress construction.

(c) Administer and supervise projects assigned to the Commission to ensure compliance with state laws, Commission procedures, and other regulations. Review, approve, and process contracts, changes orders, invoices, and related documents. Monitor in-progress construction so as to keep informed of construction progress and issues and to ensure acceptable building practices and code compliance. In conjunction with the design professional and the awarding authority, the Technical Staff establishes substantial completion of the work.

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(d) Prepare and publish a Manual of Procedures which establishes procedures to effect compliance with the rules of this administrative code, applicable state laws and regulations, and the policies of the Commission.

(3) To obtain information from, make submittals to, or make requests of the Commission or its Technical Staff, including requests to adopt, amend, or repeal rules of this administrative code, the public should write to:

Director, Technical Staff
Alabama Building Commission
RSA Plaza, Suite 444
770 Washington Avenue
Montgomery, Alabama 36130

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141 and 41-22-4
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997
Amendment Filed: July 17, 2001: Certified: September 18, 2001; Effective: November 1, 2001

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ALABAMA BUILDING COMMISSION

CHAPTER 170-X-2
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170-X-2-.01 ADOPTED STANDARD CODES.

(1) The minimum building standard codes adopted by reference and enforced by the Alabama Building Commission are all of the following:

(a) 1999 Standard Building Code.
(b) 1997 Standard Plumbing Code.
(c) 1999 Standard Gas Code.
(d) 1997 Standard Mechanical Code.
(e) 1999 National Electrical Code.
(f) 1999 Standard Fire Prevention Code.
(g) 1994 Alabama Building Energy Conservation Code and ABC-4 Computer Program Manual.
(h) Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities: State and Local Governments (ADAAG).
(i) ABC Code Supplements.

(2) The requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities supersede the handicapped requirements contained in the Standard Building Code.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-161 & 171 and 21-4-3
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997
Amendment Filed: July 17, 2001: Certified: September 18, 2001; Effective: November 1, 2001

170-X-2-.02 OFFICIAL "RECOMMENDATIONS".

The Commission adopts by reference, as official "recommendations" rather than as mandated regulations, Chapter 5 of the Architectural and Transportation Barriers Compliance Board (ATBCB) publication; "Recommendations for Accessibility Standards for Children's Environments".
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-161 and 21-4-3
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-2-.03 OBTAINING the ADOPTED CODES.

The Technical Staff shall publish in the Manual of Procedures the necessary information to obtain copies of the adopted codes and official recommendations.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141, 161 & 171
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-2-.04 APPLICABILITY of ADOPTED CODES.

(1) Except as stated in paragraphs (2) and (3), the **STATE BUILDING CODE** applies only to the following construction in Alabama:

(a) STATE BUILDING and CONSTRUCTION: All buildings and other structures erected or acquired by or in behalf of the State of Alabama or any of its agencies or instrumentalities.

(b) SCHOOLHOUSES: Any building or other structure erected or acquired by the public schools of Alabama and also shall mean any private building in which 25 or more persons are congregated regularly for the purpose of instruction in any branch of knowledge.

(c) HOTELS: Any public inn or lodging house of 15 or more bedrooms, in which transient guests are lodged for pay.

(d) MOVING PICTURE THEATERS: Any building in which moving pictures are featured regularly for charge of admission.

(2) The **ALABAMA BUILDING ENERGY CONSERVATION CODE** applies only to all buildings constructed or remodeled with state appropriated funds or funds from any other instrumentality of the state.

(3) The Commission's responsibility to review plans and specifications for compliance with handicapped accessibility standards prescribed by the State Fire Marshal applies only to all buildings and facilities used by the public which are constructed in whole or in part by the use of state, county, or municipal funds, or the funds of any political subdivision of the state. (See § 21-4-6 for shared jurisdiction.)

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-163 & 171 and 21-4-4
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-2-.05 PRECEDENCE of CODES.

(a) In case of conflict between the State Building Code, local codes, the Life Safety Code enforced by the State Fire Marshal, or other codes, the most stringent requirements shall prevail.

(b) All food preparation facilities, private water systems, and sewage disposal systems shall also meet the requirements of and be approved by the applicable county health department.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-2-.06 RESPONSIBILITY for COMPLIANCE.

The compliance of plans and specifications with code requirements, is the responsibility of the primary design professional and the awarding authority and approval of these documents by the Technical Staff does not relieve the primary design professional or the awarding authority of this responsibility.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-2.07 ABC CODE SUPPLEMENTS.

To minimize reoccurring problems on public construction and improvement projects, from time to time the Commission will adopt and publish specific design and construction requirements or recommendations to supplement the State Building Code. The following requirements and recommendations are adopted and bound at the end of this chapter:

(a) ABC Code Supplement No.1, LABELING OF FIRE DOORS AND FRAMES

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141 and 161
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-2-.07-(a)

ABC CODE SUPPLEMENT No. 1

LABELING OF FIRE DOORS AND FRAMES

All door openings in fire resistive walls and partitions requiring a rating shall be protected by assemblies which include doors, frames, hardware, closing devices, anchorage, sills, etc., installed in accordance with the National Fire Protection Association (NFPA) 80, Standard for "Fire Doors and Fire Windows" and the State Building Code.

To further clarify the basic requirements and/or the correct method of labeling that will be acceptable to the Alabama Building Commission, the labels shall include the following:

1. **Accessibility:** Each component shall bear a label located so as to be accessible after installation.

2. **Permanence:** Each component shall bear a label of a type of material and be so attached that the life of the label and the attachment thereof can reasonably be expected to equal the life of the component to which it is attached. Labels shall be raised or embossed on metal labels or stamped into metal frames. Plastic or paper labels are unacceptable.

3. **Legibility:** The label design shall be such that it can be visible and legible at all times and must be clean of any paint or other coverage making the label illegible.

4. **Fire Resistance:** All approved labels on doors and on frames shall include thereon the fire resistance rating in hours and/or minutes for which the door or frame is labeled. Labels on frames with transoms or sidelights must identify that the opening assembly includes same.

5. **Other Requirements:** The labels or stamps applied to frames must be provided by a manufacturer that has been approved by a laboratory or organization to provide testing and follow-up services for fire-rated opening assemblies.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141 and 161
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

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ALABAMA BUILDING COMMISSION

CHAPTER 170-X-3
RULES FOR SUBMITTING PLANS AND SPECIFICATIONS TO THE TECHNICAL STAFF

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170-X-3-.01 SUBMISSION REQUIRED.

The plans and specifications for all projects to which the State Building Code applies shall be submitted to the Technical Staff for review and approval. Refer to rule 170-X-2-.04, Applicability of Adopted Codes.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-3-.02 SUBMITTAL REVIEWS and APPROVALS.

(1) The Technical Staff will review the submitted plans and specifications for compliance with the State Building Code. The results of the review will be provided as written review comments to the submitting design professional and project owner. The design professional or owner must respond to, or comply with, comments citing building code violations or obvious non-compliance with applicable laws, regulations, or the Manual of Procedures. Response by the design professional or owner to comments in the form of constructive criticism, suggestions, questions, or recommendations is not mandatory.

(2) Changes made to plans and specifications after final approval shall be submitted to the Technical Staff for review relative to compliance with the State Building Code. Written response by the Technical Staff to these submittals will be made only in cases of violations of building codes or obvious non-compliance with laws and regulations.

(3) The Technical Staff's approval of plans, specifications, change orders, or related materials submitted for public projects does not constitute certification that the documents or project comply with the state's competitive bid laws; the responsibility for this certification rests with the awarding authority and its legal advisor.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-3-.03 PRE-BID REVIEW and APPROVAL REQUIRED.

Submissions of plans and specifications to the Technical Staff shall be made, and final approval obtained, prior to the receipt of bids to insure that the Technical Staff's comments are incorporated into the bid documents.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-3-.04 DOCUMENTS to be PREPARED by REGISTERED DESIGN PROFESSIONALS.

(1) Plans and specifications submitted to the Technical Staff for approval shall be prepared by a full professional team composed of architects and engineers, registered in Alabama, each preparing that phase of the design within his or her field of specialization. Subject to the Director's approval, exceptions may be made where engineering services are of such minor nature as to be considered purely incidental to the architectural services or the architectural services are of such minor nature as to be considered purely incidental to the engineering services.

(2) The specification cover shall bear the Alabama seal of registration of the primary design professional who prepared them or under whose supervision they were prepared.

(3) Architectural drawings shall bear the Alabama seal of registration of the architect who prepared them or under whose supervision they were prepared. Engineering drawings shall bear the Alabama seal of registration of the engineer who prepared them or under whose supervision they were prepared.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141, 34-2-32, 34-2-35, and 34-11-7.
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-3-.05 CONTENTS of SUBMITTAL DOCUMENTS.

The plans, specifications, addenda, change orders, and related materials submitted to the Technical Staff for approval shall contain sufficient information to fully describe the work of the project and to fully demonstrate compliance with the State Building Code. Standards for compliance with this rule shall be prescribed in the Manual of Procedures. The Technical Staff is authorized to request additional information if needed to perform their review.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-3-.06 SUBMITTAL PROCEDURES.

Plans, specifications, and related materials shall be submitted to the Technical Staff in accordance with procedures prescribed in the Manual of Procedures and, unless otherwise provided, shall be made in three stages: Schematic Plan Submittal, Preliminary Plan Submittal, and Final Plan Submittal.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-3-.07 DISPOSITION of SUBMITTED DOCUMENTS.

(1) Schematic and preliminary plans and specifications will be retained by the Technical Staff until receipt or review of the subsequent stage of submittal at which time these documents may be destroyed.

(2) Final or revised final plans and specifications will be retained by the Technical Staff for a period of not less than five (5) years after completion of the project, or a period as may be prescribed by the State Records Commission. At the expiration of this period these documents may be destroyed.

(3) Project documents such as transmittal letters, comment letters, project-related correspondence, contracts, reports, etc., shall be retained by the Technical Staff for a period not less than thirteen (13) years after completion of the project, or a period as may be prescribed by the State Records Commission. At the expiration of this period these documents may be destroyed.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141 and State Records Commission
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

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ALABAMA BUILDING COMMISSION

CHAPTER 170-X-4
EMPLOYMENT OF DESIGN PROFESSIONALS FOR PROJECTS SUPERVISED AND ADMINISTERED BY THE ALABAMA BUILDING COMMISSION

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170-X-4-.01 APPLICABILITY of CHAPTER.

The rules of this chapter apply only to public construction and improvement projects assigned to the Alabama Building Commission by state law for its supervision and administration. Project supervision and administration will be carried out by the Technical Staff who will prepare and publish a Manual of Procedures containing procedures, standard forms, and uniform documents to be used by awarding authorities to effect compliance with this chapter.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-4-.02 REQUIRED EMPLOYMENT of DESIGN PROFESSIONALS.

(1) The awarding authority of a public construction or improvement project shall employ the services of registered architects and engineers in accordance with Title 34, Chapter 2 - Architects and Chapter 11 - Engineers and Land Surveyors, Code of Alabama 1975.

(2) **Full Professional Team:** The primary design professional shall be required to employ the services of consulting engineers, and consulting architects in the case of an engineering project, so as to provide a full professional team as dictated by the disciplines

of architectural and engineering design involved in the project. These consultants shall be identified in the agreement for design professional services and may not be changed without written approval of the awarding authority.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141 and Title 34, Chapters 2 & 11
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-4-.03 FORM of AGREEMENT for DESIGN PROFESSIONAL SERVICES.

(1) The Director is authorized to develop, adopt, and publish in a Manual of Procedures uniform documents and standard forms as the Director deems appropriate for contracting for professional services to design and administer public construction and improvement projects. The terms and conditions of these documents shall effect compliance with state laws and the rules of this administrative code and shall also set forth minimum basic services and standardized terms and conditions applicable to projects typically supervised and administered by the Technical Staff. The Director may revise, repeal, or add to these uniform documents and standard forms as the Director deems necessary to keep them current with acceptable practices of architecture, engineering, construction project delivery, and changes in state law.

(2) The form of agreement for contracting for design professional services shall be the uniform documents and standard forms prescribed by the Director. Copies of these uniform documents and standard forms are contained in the appendix to this administrative code and may be reprinted or altered only as defined in the Manual of Procedures. To meet the needs of a specific project, the minimum basic services and standard terms and conditions may be modified by inserting special provisions in spaces provided in the documents; however, modifications shall be subject to the approval of the Director.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-4-.04 PROJECT BUDGET.

The agreement shall stipulate an agreed amount that is budgeted for the cost of the planned construction or improvement work. This amount shall not only establish the project budget, but shall also be the basis for establishing the basic fee to be paid the primary design professional. The project budget may be a fixed, lump sum amount or it may be an amount that is tentative pending development of design and cost estimates by the design professional. If the project budget is tentative, the budgeted amount shall be validated by the design professional or mutually adjusted by the contracting parties prior to advertising the project for bids.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

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170-X-4-.05 MAXIMUM BASIC FEES for DESIGN PROFESSIONAL SERVICES.

(1) The "Basic Fee" to be paid for design professional services is defined as that fee which will be paid to the design professional for providing the basic services as defined in the uniform form of agreement for design professional services published by the Director. If the design professional is to provide services which are in addition to the basic services defined in the uniform agreement, fees in addition to the Basic Fee shall be established in the agreement, or an amendment to the agreement, for such additional services. Such additional fees shall be subject to the Director's approval.

(2) The Basic Fee shall be based upon the budgeted cost of the planned work stipulated in the agreement, but shall not be higher than a fee as determined by the "Schedule of Basic Fee Rates" contained in rule 170-X-4-.10. A higher Basic Fee may be paid only if approved by the Director. A Basic Fee determined by the schedule may be adjusted without the Director's approval for Major Renovation as defined in rule 170-X-4-.06. A lower Basic Fee may be negotiated without the Director's approval when appropriate considering project size, cost, scope, repetition, etc.

(3) If the Basic Fee is to be a percentage rate applied to the cost of the work, the percentage rate shall not be higher than the applicable rate of the "Schedule of Basic Fee Rates" with adjustment for major renovation, if applicable. If the Basic Fee to be paid for basic services is to be a fixed, lump sum amount, that amount shall not be greater than the amount that is the product of multiplying the budgeted cost of the work by the applicable percentage rate of the "Schedule of Basic Fee Rates" with adjustment for major renovation, if applicable.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-4-.06 ADJUSTMENT for MAJOR RENOVATION.

An increase of up to 25% in the basic fee rate will be allowed for major renovation projects. This adjustment is intended to provide compensation to the design professional for the added effort required to investigate and develop drawings of existing conditions and other additional work required for renovation. A project is considered major renovations if more than 50% of the construction cost involves renovations and alterations. The application of this adjustment is negotiable and must be stipulated in the agreement to be effective. In general, reroofing projects are not to be considered as major renovations.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-4-.07 APPLICATION of BASIC FEE RATE.

(1) The Basic Fee percentage rate determined by the project budget shall be applied to the cost of the work. It is not necessary to change the Basic Fee percentage rate because the amount of the subsequent construction contract as awarded or adjusted for minor change orders falls within a bracket of the schedule that is higher or lower than that of the project budget. If major changes in the project and budget occur during the design or construction phases of the project and warrant an increase or decrease in the Basic Fee rate to provide fair and reasonable compensation, the change must be agreed upon in an amendment to the agreement. "Major Changes" include, but are not limited to, changes in project size, complexity, usage, arrangement, schedule, delivery, or phasing of the construction or improvement work and may or may not result in a major, or significant, change in the cost of the work. A Major Change may warrant adjustment of the Basic Fee rate if the change is requested by the awarding authority and the change requires design, administrative, consultant, or other services materially different from those contemplated by the agreement.

(2) The "Schedule of Basic Fee Rates" of rule 170-X-4-.10 contemplates that the work covered by an agreement will be executed either under one lump sum construction contract or under one lump sum construction contract for sitework and a second lump sum construction contract for building construction. Separation of the work into additional construction contracts may warrant negotiation of a higher rate, the basis of which shall be stated in the agreement or in an amendment to the agreement.

(3) The Basic Fee rate shall apply to the combined cost of all buildings or other work covered by an agreement whether the work is executed under one construction contract or one contract for sitework and a second contract for building construction.

(4) If the work covered by an agreement is so divided that more than one building group is involved, the Basic Fee rate of the appropriate building group may be applied to each building. Division of Basic Fee rates must be stipulated in the agreement.

(5) If the scope of an agreement involves substantial duplication of buildings on the same site, the Basic Fee for all services shall be applicable to the cost of the work for the first building. One-half of the Basic Fee for design services shall be applicable to the cost of the work for the second building which is a substantial duplication of the first. The basic fee for design services for other buildings which are substantial duplications of the first and second buildings shall be

negotiated and defined in the agreement, but in no case shall exceed the fee for the first duplication. The fees for contract and construction administration services shall be paid in full for duplicated buildings.

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(6) If the scope of an agreement involves substantial duplication of buildings on more than one site, the Basic Fee for all services shall be applicable to the cost of the work of site improvements of each site as well as modifications required to adapt the design of the substantially duplicated building to conditions of the second, third, etc., sites. The Basic Fee for all services shall be applicable to the cost of the work for the first building. One-half of the Basic Fee for design services shall be applicable to the cost of the work for the second building which is a substantial duplication of the first. The basic fee for design services for other buildings which are substantial duplications of the first and second buildings shall be negotiated and defined in the agreement, but in no case shall exceed the fee for the first duplication. The fees for contract and construction administration services shall be paid in full for duplicated buildings.

Author: Kippy Tate, Director
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997
Amendment Filed: July 17, 2001: Certified: September 18, 2001; Effective: November 1, 2001

170-X-4-.08 COST OVER-RUNS.

If the lowest responsible bid received by the awarding authority is greater than the project budget, the design professional will, upon instructions from the awarding authority, make revisions to the plans and specifications as may be necessary to re-bid the project within project budget, or a higher amount as may be authorized by the awarding authority. The design professional shall be reimbursed for revising the plans and specifications where the bid over-run is up to 10% of the project budget. If the bid over-run is greater than 10% of the project budget and **(1)** the awarding authority has received bids for the work within 90 days after final approval of the plans and specifications and **(2)** the reason that the over-run exceeds 10% of the project budget is not attributable to a unique or unexpected market condition which the design professional would not have reasonably contemplated in its estimates,, the design professional will revise the plans and specifications to conform to the project budget defined in the agreement at no cost to the awarding authority.

Author: Kippy Tate, Director
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997
Amendment Filed: July 17, 2001: Certified: September 18, 2001; Effective: November 1, 2001

170-X-4-.09 SUBSEQUENT DUPLICATION.

The agreement shall stipulate that under any subsequent owner-architect agreement, the basic fee for any substantial duplication of buildings covered by the original agreement will be paid in accordance with rule 170-X-4-.07-(4). However, the fee schedule in effect at the date of the subsequent agreement will apply.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

179-X-4.10 SCHEDULE of BASIC FEE RATES.

(1) The "Schedule of Basic Fee Rates" is graduated by project cost and categorized by building groups defined in 170-X-4.10-(2).

COST OF THE WORK	FEE IN PERCENTAGE				
	BUILDING GROUP				
	I	II	III	IV	V
Up to $100,000	8.0	9.0	10.0	11.0	12.0
100,001 to 200,000	7.0	8.0	9.0	10.0	11.0
200,001 to 300,000	6.0	7.0	8.0	9.0	10.0
300,001 to 400,000	5.9	6.9	7.9	8.9	9.9
400,001 to 500,000	5.8	6.8	7.8	8.8	9.8
500,001 to 600,000	5.7	6.7	7.7	8.7	9.7
600,001 to 700,000	5.6	6.6	7.6	8.6	9.6
700,001 to 800,000	5.5	6.5	7.5	8.5	9.5
800,001 to 900,000	5.4	6.4	7.4	8.4	9.4
900,001 to 1,000,000	5.3	6.3	7.3	8.3	9.3
1,000,001 to 1,250,000	5.2	6.2	7.2	8.2	9.2
1,250,001 to 1,500,000	5.1	6.1	7.1	8.1	9.1
1,500,001 to 1,750,000	5.0	6.0	7.0	8.0	9.0
1,750,001 to 2,000,000	4.9	5.9	6.9	7.9	8.9
2,000,001 to 2,500,000	4.8	5.8	6.8	7.8	8.8
2,500,001 to 3,000,000	4.7	5.7	6.7	7.7	8.7
3,000,001 to 3,500,000	4.6	5.6	6.6	7.6	8.6

3,500,001 to 4,000,000			4.5	5.5	6.5	7.5	8.5	
		4.4	5.4	6.4	7.4	8.4		
4,000,001 to 5,000,000	4.3	5.3	6.3	7.3	8.3			
	4.2	5.2	6.2	7.2	8.2			
5,000,001 to 6,000,000	4.1	5.1	6.1	7.1	8.1			
	4.0	5.0	6.0	7.0	8.0			
6,000,001 to 8,000,000	3.9	4.9	5.9	6.9	7.9			
	3.8	4.8	5.8	6.8	7.8			
8,000,001 to 10,000,000	3.7	4.7	5.7	6.7	7.7			
	3.6	4.6	5.6	6.6	7.6			
10,000,001 to 12,000,000	3.5	4.5	5.5	6.5	7.5			
	3.4	4.4	5.4	6.4	7.4			
12,000,001 to 14,000,000	3.3	4.3	5.3	6.3	7.3			
	3.2	4.2	5.2	6.2	7.2			
14,000,001 to 16,000,000	3.1	4.1	5.1	6.1	7.1			
	3.0	4.0	5.0	6.0	7.0			
16,000,001 to 18,000,000	2.9	3.9	4.9	5.9	6.9			
	2.8	3.8	4.8	5.8	6.8			
18,000,001 to 20,000,000								
20,000,001 to 22,000,000								
22,000,001 to 24,000,000								
24,000,001 to 27,000,000								
27,000,001 to 30,000,000								
30,000,001 to 33,000,000								
33,000,001 to 36,000,000								
36,000,001 to 39,000,000								
39,000,001 to 42,000,000								
42,000,001 to 46,000,000	2.7	3.7	4.7	5.7	6.7			
	2.6	3.6	4.6	5.6	6.6			
46,000,001 to 50,000,000								
50,000,001 to and over	2.5	3.5	4.5	5.5	6.5			

(2) BUILDING GROUPS:

(a) Group I: Industrial buildings without special facilities, parking structures and repetitive garages, simple loft type structures, warehouses exclusive of automated equipment, and other similar utilitarian type buildings.

(b) Group II: Armories, apartments, cold storage facilities, dormitories, exhibition halls, hangers, manufacturing/industrial plants, office buildings without tenant improvements , printing plants, public markets, and service garages.

(c) Group III:

1. College classroom facilities, convention facilities, correctional and detention facilities, extended care facilities, gymnasiums (simple, prefabricated-pre-engineered, minimum types shall be classified under Group II), hospitals, institutional dining halls, laboratories, libraries, medical schools, medical office facilities and clinics, mental institutions, office buildings with tenant improvements, parks, playground and recreational facilities, police stations, public health centers, research facilities, schools (elementary and secondary), stadiums, and welfare buildings.

2. Also, central utilities plants, water supply and distribution plants, sewage treatment and underground systems, electrical sub-stations and primary and secondary distribution systems, roads, bridges and major site improvements when performed as independent projects. When any or all of these types of improvements are incidental to an overall plan of architectural development they will be grouped with the basic architectural service of the overall project unless stated otherwise in the agreement.

(d) Group IV: Aquariums, auditoriums, art galleries, college buildings with special facilities, communications buildings, special schools, theaters and similar facilities.

(e) Group V: Residences and specialized decorative buildings unless otherwise stated in the agreement. Custom designed furnishings shall be categorized in Group V except when considered incidental to the basic architectural service for a building.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

ALABAMA BUILDING COMMISSION

CHAPTER 170-X-5BIDDING AND AWARDING CONTRACTS FOR PROJECTS SUPERVISED AND ADMINISTERED BY THE ALABAMA BUILDING COMMISSION

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170-X-5-.01 APPLICABILITY of CHAPTER.

The rules of this chapter apply only to public construction and improvement projects assigned to the Alabama Building Commission by state law for its supervision and administration. Project supervision and administration will be carried out by the Technical Staff who will prepare and publish a Manual of Procedures containing procedures, standard forms, and uniform documents to be used by awarding authorities to effect compliance with this chapter. The rules of this chapter supplement the requirements of such laws as Title 34, Chapter 8-Contractors, Title 39-Public Works, and Title 41, Chapter 16-Public Contracts, Code of Alabama 1975.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.02 EVIDENCE of BIDDER'S LICENSE.

When the cost of the work exceeds the amount requiring licensing pursuant to Title 34, Chapter 8, Code of Alabama, 1975, each bidder must show evidence of this license before bidding or the bid shall not be received or considered. The bidders shall show evidence of license by clearly displaying their current state general contractor's license number on the outside of the envelope in which their proposal is delivered. This requirement shall be included in the advertisements for bids and instructions to bidders.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141 and 34-8-6(d)
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.03 DETERMINATION of LOW BIDDER by use of ALTERNATES.

(1) Deductive alternate bids may be used in order to reduce the base bid to an amount within the funds available for the project. Additive alternate bids may be used in order to obtain prices for the addition of items not included in the base bid. The alternate bids shall be listed in the bid documents in the order of priority in which they shall cumulatively deduct from or add to the base bid for determining the lowest responsible and responsive bidder.

(2) After the lowest responsible and responsive bidder has been determined, the awarding authority may accept or reject any alternates provided that the combination of accepted alternates results in the same lowest bidder.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.04 WORK BID on a UNIT PRICE BASIS.

Where all, or part(s), of the planned work is bid on a unit price basis, both the unit prices and the extensions of the unit prices constitute a basis of determining the lowest bidder. In cases of error in the extension of prices of bids, the unit price will govern. A proposal may be rejected if any of the unit prices are obviously unbalanced or non-competitive.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141 and 39-2-7
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.05 UNIT PRICES for APPLICATION to CHANGE ORDERS.

As a means of predetermining unit costs for changes in certain elements of the work, the project specifications may require that the bidders furnish unit prices for those items. Unit prices for application to changes in the work are not a basis for determining the lowest bidder. Non-competitive unit prices proposed by the lowest

bidder may be rejected or negotiated by the awarding authority prior to contract award. Unit prices for application to changes in the work are not effective unless specifically agreed upon in the construction contract.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.06 IRREGULAR PROPOSALS.

Proposals may be rejected if they contain any omissions, alterations of forms, additions not called for, conditional bids, alternate bids not called for, incomplete bids, erasures, or irregularities of any kind. However, the awarding authority may reject any and all proposals or waive technical errors if, in its judgement, the best interests of the awarding authority will be promoted.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.07 DISQUALIFICATION of BIDDERS.

In addition to causes for disqualification or rejection of bidders as provided in Title 39, Code of Alabama 1975, the awarding authority may reject a proposal from a bidder who has not paid, or satisfactorily settled, all bills due for labor and material on other contracts in force at the time of letting.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.08 CERTIFIED BID TABULATION.

After bids have been received, the design professional shall check and tabulate all bids, certifying that the bids were received sealed, publicly opened and read aloud at the time and place advertised, and that it is a true and correct tabulation of all bids received for the project. This tabulation shall be signed by the design professional, notarized, and furnished to the awarding authority and the Technical Staff. If a bid is incomplete, qualified, or bears any condition or irregularity that may affect its responsiveness, the design professional shall note this information on the tabulation.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.09 AWARD of CONTRACT.

The contract will be awarded to the lowest responsible bidder complying with all established requirements of the bid documents unless the awarding authority finds that the bid is unreasonable or that it is not to the interest of the awarding authority to accept it.
The bidder to whom award is made will be notified by letter to the address shown on the bidder's proposal.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 41-9-141 and 39-2-6
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5.10 NOTICE TO PROCEED.

A notice to proceed with the work of the contract shall be issued to the contractor by the Director within 15 days after final execution of the contract by the awarding authority unless both parties to the contract agree to a stipulated extension in time for the issuance of a notice to proceed. The notice to proceed shall specify the date on which the work and time of completion stated in the contract are to commence. Before performing any work on the construction site, the contractor shall furnish to the design professional acceptable certification of insurance coverages as required by the contract.
Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, §§ 39-2-10 and 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-x-5-.11 REQUIRED USE of UNIFORM DOCUMENTS and STANDARD FORMS.

(1) The Director is authorized to develop, adopt, and publish in a Manual of Procedures all uniform documents and standard forms as the Director deems appropriate for the contracting for, and administration of, public construction and improvement projects. The terms and conditions of these documents shall effect compliance with state laws and the rules of this administrative code and shall incorporate standardized provisions based upon sound contracting principles within the construction industry and compatibility with operational and budgetary restraints of government. The Director shall revise, repeal, or add to these uniform documents and standard forms as the Director deems necessary to keep them abreast with current practices in construction contracting, construction project delivery, and changes in state law.

(2) The form of agreement for the contracting for, and administration of, public construction and improvement projects shall be the uniform documents and standard forms prescribed by the Director. The uniform documents will consist of a construction contract, bonds, instructions to bidders, general conditions, and forms

for administration of the contract. Copies of these uniform documents and standard forms are contained in the appendix to this administrative code and are to b e included in the project specifications. These uniform documents and standard

forms may be reprinted or altered only as defined in the Manual of Procedures. The terms and conditions of the uniform documents may be modified by supplemental terms and conditions to accommodate requirements of a project's funding source, regulations of the awarding authority, or project-specific conditions; however, these modifications shall be subject to the approval of the Director.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

170-X-5-.12 USE of UNIFORM DOCUMENTS and STANDARD FORMS for PROJECTS NOT SUPERVISED and ADMINISTERED by the ALABAMA BUILDING COMMISSION.

The uniform documents and standard forms published in the Manual of Procedures may be used for projects that are not supervised and administered by the Technical Staff; however, provisions for decisions, approvals, or other actions by the Director or Technical Staff shall be deleted from the documents and forms unless otherwise agreed in writing by the Director.

Author: Stedmann B. McCollough
Authority: Code of Ala. 1975, § 41-9-141
History: New, Filed: Apr 17, 1997: Certified Aug 29, 1997: Effective Oct 3, 1997

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