Bureau of Building, Grounds and Real Property Management

BOB MANUAL

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THIS MANUAL EDITION DOES NOT ADDRESS ANY CHANGES RESULTING FROM THE 2010 "BRICKS" SYSTEM. END RESULTS OF PROCEDURES DID NOT CHANGE – JUST THE WAY TO SUBMIT THEREFORE, USE "BRICKS" WHEN APPROPRIATE.

(there are some forms on the BoB Web link entitled BOB FORMS that can be filled in on line)

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SECTION 100: GENERAL

100.1
PLANNING & CONSTRUCTION MANUAL

This Manual has been assembled as an informative guide for the lay person as well as the Professional who from time to time works with the Bureau of Building, Grounds and Real Property Management of the Department of Finance and Administration's Division of General Services in initiating, programming, designing, constructing and inspecting projects for the State of Mississippi.

100.2
INFORMATIONAL DATA

The Data assembled herein is for informational purposes. Any deviation will require prior approval from the Bureau of Building, Grounds and Real Property Management. Careful adherence to these procedures will expedite all phases of a Project and permit an orderly approach to providing physical facilities necessary for furthering the programs of Using Agencies which serve the people of the State of Mississippi.

100.3
DURATION

This Procedure Manual, when approved by the Public Procurement Review Board, shall be in effect as written until amended or repealed by the Board.

First Edition - April 1, 1979
SBC PROCEDURE MANUAL

Second Edition - January 1, 1981 SBC
PROCEDURE MANUAL

Third Edition - July 2, 1984
GS PLANNING AND CONSTRUCTION MANUAL

Fourth Edition - March 4, 1985
GS PLANNING AND CONSTRUCTION MANUAL

Fifth Edition - January 1995/Revised 1996 BOB
MANUAL

Sixth Edition — June 2011
BOB MANUAL (part of DFA Manual per SoS September 2010 Procedure)

Current Edition
Available in Digital Version on the Bureau of Building, Grounds and Real Property Management web page

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100.4
MANUAL ABBREVIATIONS/DEFINITIONS

The following abbreviations/definitions are used throughout this Manual for the sake of brevity:

ACM: Asbestos Containing Materials
Addendum/Addenda: Supplementary information to bidding documents when becomes part of a Contract
Additional Services: Additional data procured from a Professional
A/E: Architect or Engineer
Alternate: An increase or decrease to the Base Bid
Appropriation: Funding authorized by the Legislature
Arbitrage: Penalty for failure to expend bond funds within three (3) years
Arbitration: A hearing and judgement by an impartial judge
Asbestos Abatement: Removal of asbestos containing materials
Award: Approval of a Contract or payment

Basic Services: Essential planning elements assigned by the Bureau of Building, Grounds and Real Property Management which will be performed by a Professional
Bid Proposal: A bid submission
Bid Security: A Bidder's show of faithful performance
Bidding Phase: The publication of an *Advertisement for Bids* in a local newspaper, the required waiting period and the actual opening of bids received
BOB: Bureau of Building, Grounds and Real Property Management
Bond Bill: Legislative action approving and authorizing the sale of General Obligation Bonds
Bureau: Bureau of Building, Grounds and Real Property Management
Bureau Staff: Personnel of the Bureau of Building, Grounds and Real Property Management

CDPA: Central Data Processing Authority
Change Order: A change to a Construction Contract
CI: Capital Improvement
CO: Change Order
Completion Date: A calendar date establishing a deadline for completion
Consultant: Specialty Firm hired by the Professional
Contract: Legal agreement between, or among, entities
Contract Documents: The entire Agreement between parties to a Contract which includes the Project Manual and Drawings
Contractor: A party responsible for building, repairing and/or renovating a facility
CPM: Critical Path Method as relating to construction
CSI: Construction Specification Institute

Design Development Documents: An initial phase of planning
DFA: Department of Finance and Administration
Director: Director of the Bureau of Building, Grounds and Real Property Management
Documents: Construction Documents
Drawings: Detailed sketches of Work to be accomplished

Emergency: An unforeseen occurrence damaging facilities and necessitating immediate action

Extra Services: Additional planning elements assigned by the Bureau of Building, Grounds and Real Property Management which will be performed by the Professional

F&E: Furniture and Equipment
Fee: A charge for a Professional service
Funds Available: Source of revenue supporting a Project

GC: General Contractor

GO: General Obligation Bonds
GS: Office of General Services

HB: House Bill

HCM: Hazardous Containing Materials

In House: A function performed by the Using Agency
Inspection: Review of a Project for Contractual compliance

Job Superintendent: Construction personnel in charge of the construction process

LA: Land Acquisition
LBO: Legislative Budget Office
LI: Line Item

Liquidated Damages: Monetary penalty for missing the completion date

Manual: Planning and Construction Manual of Procedures

Notice to Proceed: Beginning date for constriction established by the Bureau of Building, Grounds and Real Property Management's Staff Inspector and the Contractor

OT: Other Award

OP: Other Professional Award

Outside Funds: Funds transferred to the Bureau from a Using Agency

Owner: Bureau of Building, Grounds and Real Property Management

Power of Attorney: A legal document authorizing an attorney to act for a Contractor PP: Preplanning
PPRB: Public Procurement Review Board

Preconstruction Meeting: Preliminary meeting prior to the commencement of construction

Professional: Contracted Architect or Engineer

Program Phase: Preliminary planning phase
Progress Meeting: Periodic meetings during construction phase
Project: Specific plan or undertaking initiated by the Bureau of Building, Grounds and Real Property Management
Project Budget: Financial statement regarding the administration of a Project's funds based on estimates and actual expenditures **Project** Funds: Money set aside for a specific Project

Project Manual: A narrative manual prepared by a Professional for a Project including bidding requirements, Agreement, Bonds, Certificates, Conditions of the Contract and Specifications

Project Number: A six (6) digit number assigned by the Bureau identifying a specific institution and a specific project

Proposal Form: A legal document indicating a Bidder's proposed bid

Receivable: Accounting procedure establishing an account for the Bureau to receive funds from a Using Agency to supplement a Project's budget

Reimbursements: A substantiated request presented to the Bureau for funds previously expended by a Using Agency

Rendering: A scaled replica of the facility

RPM: Real Property Management section of the Bureau of Building, Grounds and Real Property Management R&R: Repair and Renovation

SAF: Standard Approval Form

SB: Senate Bill

Schedule of Values: Itemized list of expenditures by a Contractor reflected on pay applications

Schematic Documents: Preliminary planning documents

Scope: A range of items to be accomplished during the lifespan of a Project

Selection Process: Choosing of a Professional

Staff Architect: Architect employed by the Bureau of Building, Grounds and Real Property Management Staff Inspector: Inspector employed by the Bureau of Building, Grounds and Real Property Management Subcontractor: An individual, or business firm, contracting to perform part, or all, of another's Contract

Substantial Completion: The date certified by the Architect when construction is sufficiently complete, in accordance with the Contract Documents, so the Owner may occupy or utilize the Work or designated portion thereof for the use for which it is intended, as expressed by the Contract Documents

Using Agency: Agency, Institution or Department of the State of

Mississippi Wage Rates: Federal mandatory wages for specific jobs

Warranty: A written agreement guaranteeing the integrity of a facility or product for a certain period of time and of and the Provider's responsibility for repair or replacement of defective parts or workmanship

100.5
BUREAU CREATION

In 1944, the State Building Commission was created (Chapter 328, Laws of 1944). Forty years later, in 1984 through Senate Bill 3050, the State Building Commission was abolished. It became the Bureau of Building, Grounds and Real Property Management under the Governor's Office of General Services.

In 1989 through House Bill 659, the Bureau of Building, Grounds and Real Property Management became a part of the Office of General Services which was placed under the Department of Finance and Administration.

100.6
BUREAU POWERS & DUTIES

The duties and responsibilities of the Bureau of Building, Grounds and Real Property Management are defined within the law. [Mississippi Code 1972, Annotated, Sections 31-11-1 through 31-11-31] The Bureau serves the State of Mississippi as a building authority at the state level not covered by the Mississippi Department of Transportation, or other authority. The Bureau is not a regulatory agency of the State, but a service arm assisting State Institutions/Agencies and Departments with construction projects.

The primary function of the Bureau is to properly administer funds appropriated to it by the Legislature in accordance with state laws, regulations and established procedures in a business-like manner. The Bureau will, at all times, attempt to serve all Institutions, Agencies and Departments in meeting their physical facilities needs; however, if there is a conflict in the attempt of the Bureau to properly administer funds or to service an Institution, Agency or Department, the primary function of the Bureau, as previously defined, will take precedence over serving the Institution, Agency or Department.

In addition, the Bureau has power to acquire, hold and dispose of real and personal property for the State of Mississippi. [Mississippi Code 1972, Annotated, Section 31-11-3(2)(m)]

The following list denotes many of the Bureau of Building, Grounds and Real Property Management's responsibilities administered by its Section of Planning and Construction:

1. Contracting with Architects, Engineers, Contractors, Suppliers and others.
2. Approving plans, specifications, studies and sites for buildings.
3. Expending appropriated funds within the legal intent.
4. Serving as liaison with the federal government in various building programs.
5. Inspecting incarceration facilities at the Mississippi State Penitentiary (Parchman) and court approved county jails.
6. Providing a staff of professionals to plan, manage, inspect and approve services for which the Bureau has contracted.
7. Setting policies and procedures to guide those concerned with the orderly and lawful pursuit of providing physical facilities for state government operations.
8. Handling furniture and equipment needs funded by the Legislature which involves specifying, bidding, awarding, preparing contract documents, confirming delivery and authorizing payment.

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9. Reviewing and submitting to the Legislative Budget Office the repair and renovation, capital improvement and preplanning needs for state Institutions, Agencies and Departments.
9. Reviewing repair and renovation requests and making allocations based on the priority of requests and inspections of the sites.
10. Reviewing State Agencies Professional contracts.
11. Accomplishing any special tasks mandated by the Legislature.

100.7
BUREAU MEETINGS

It is the Bureau's policy that all its public business be performed in an open and public manner. However, there is no regularly scheduled meeting of the Division of General Services' Bureau of Building, Grounds and Real Property Management. Details regarding the Bureau's official actions are detailed in the following section.

100.8
BUREAU RECORD OF ACTIONS

In past years, the Bureau was required by law to maintain a set of official Minutes recording its actions which resulted from regularly scheduled meetings. Due to reorganization, this is no longer required; however, the Bureau still maintains detailed records of all its official actions. These are available in the Bureau's office for public inspection as per the *Mississippi Public Records Act of 1983.* [Mississippi Code 1972, Annotated, Section 25-61-1 through 25-61-17 and Section 31-1-27]

Official Bureau actions are prepared regularly on *Standard Approval Form - Record of Action* documents which are initiated by the Bureau Staff and approved by the Bureau Director. In no instance will an item be official without the written approval of the Bureau's Director. In absence of the Director, the Assistant Director or authorized designee, will approve Bureau actions. The following inexhaustible list indicates actions taken by the Bureau and recorded on these documents:

1. Initiation of Projects
2. Definition of Project Scope
3. Allocation and Transfer of Funds to Projects
4. Acceptance of Outside Funds
5. Increase of Project Budget
6. Assignment of Professionals and Consultants
7. Approval of Schematic Documents
8. Approval of Design Development Documents
9. Approval of Construction Documents and Bid Date
10. Authorization of Payments to Professional
11. Authorization of Professional Reimbursements
12. Declaration of Emergencies
13. Authorization to Advertise for Bids
14. Rejection of Bids and Readvertisement
15. Bid Protests

16. Award of Contract(s)
16. Approval of Change Orders
17. Authorization of Substantial Completion
18. Authorization of Final Acceptance and Final Payment
19. Declaration of Contractor's Default
20. Assessment of Liquidated Damages
21. Close Project

100.9
BUREAU NOTIFICATION

All Institutions, Agencies, Departments and Professionals are notified in writing of the Bureau's official actions.

100.10
PUBLIC PROCUREMENT REVIEW BOARD

The Bureau of Building, Grounds and Real Property Management is required by law to have specific actions approved by the Public Procurement Review Board [PPRB]. [Mississippi Code 1972, Annotated, Section 27-104-7] Such actions requiring PPRB approval are, but not limited to, the following:

1. Construction contracts
2. Furniture and equipment contracts
3. Leases (land and/or office space) for Institutions, Agencies and Departments
4. Grants
5. Land Acquisitions
6. Legal Actions
7. Specialties

PPRB was created within the Department of Finance and Administration [DFA] and is composed of three (3) members: the Executive Director of DFA, the Director of the Division of Budget and Policy Development, and an employee of the Office of General Services who is familiar with State purchasing laws. Two (2) members make a quorum.

Regarding the Bureau, PPRB has the power and responsibility to:

1. Adopt regulations governing the approval of contracts let for construction and maintenance of state buildings and facilities;

2. Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Office of General Services.

100.11
PPRB MEETINGS

PPRB meets regularly once a month. Upon special request, or an emergency, PPRB will convene for an unannounced meeting. Otherwise, the next month's meeting date and time are announced at each regularly scheduled meeting. Individuals or Agency Representatives who wish to be heard concerning actions being presented by the Bureau may be present at these public meetings.

100.12
PPRB MINUTES

PPRB maintains a set of Minutes recording its official actions. Copies of these Minutes are sent to the Legislative Budget Office [LBO] and the Performance Evaluation and Expenditure Review [PEER].

No action is valid unless approved by a quorum of two (2): the Chairman who is the Executive Director of the Department of Finance and Administration, and one (1) other member present and voting. Minutes are available in DFA's office for public inspection as per the *Mississippi Public Records Act of 1983*. [Mississippi Code 1972, Annotated, Section 25-61-1 through 25-61-17 and Section 31-1-27]

100.13
COPYING PUBLIC DOCUMENTS

Any person or firm requesting copies of documents, may obtain these by complying with the *Public Records Act*.

Section 200

Project Requests

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SECTION 200: PROJECT REQUESTS

200.1
CAPITAL NEEDS REPORT

The Bureau of Building, Grounds and Real Property Management is required by statute to determine and submit to the Legislative Budget Office [LBO] on, or before, September 1st of each year a report detailing *immediate* and *long range* repair & renovation, capital improvement and preplanning needs of each Using Agency. [**Mississippi Code 1972, Annotated**, Sections 31-11-27 and 31-11-29] LBO prepares and submits a report to the Legislature based on the information received from the Bureau.

200.2
USING AGENCY'S REQUESTS (Modified Dec 2013 SoS to agree with 2010/2012 forms to inc impact per Code)

In March, all State Institutions, Agencies, and Departments receive a notification letter indicating it is time to prepare the report of *immediate* and *long range* repair & renovation, capital improvement and preplanning needs. All requests will be reviewed and considered for possible inclusion in the Bureau's LBO report.

200.3
DEFINITION OF NEEDS

Immediate Needs may be defined as buildings, major improvements, and other facilities required for the proper functioning of the institution for the next year. *Long Range Needs* may be determined as buildings, major improvements, and other facilities of a similar nature which may be needed at some indefinite future date.

Both of these needs are based on a five-year projection basis. *Immediate Needs* should be funded the first fiscal year and *Long Range Needs* should be funded in the next four (4) fiscal years. [**Mississippi Code 1972, Annotated**, Section 31-11-29]

200.4
CLASSIFICATION OF NEEDS

Whether *immediate* or *long range*, needs may be evaluated and classified under three (3) major headings discussed as follows.

* Repair and Renovation
* Preplanning
* Capital Improvement

A. REPAIR AND RENOVATION

* Repair
* Renovation

1. **Repair:** *To restore by replacing a part or putting together that which is broken and restoring to a sound state* is the process of repairing and returning a facility component to a condition effectively as it was originally designed.

2. **Renovation:** *To restore a facility to its former state and not alter its original design standards or function* is one component of renovation. Another aspect includes *extensive changes which completely alter the use and function of the facility*. Renovations include all improvements necessary to bring a facility into compliance with current codes. Major renovations may be line-item appropriations; smaller renovation projects may be funded from discretionary appropriations, if available.

B. PREPLANNING

1. **Preplanning:** In order to establish creditable construction estimates, some major capital improvements or repair and renovations may require Program preparation, Schematic Document planning and Site Selection. After Preplanning has been completed, the Legislature may consider funding for construction based on the reported estimate. [**Mississippi Code 1972, Annotated**, Section 31-11-27]

C. CAPITAL IMPROVEMENT

* Capital Improvements
* Furniture & Equipment
* Land Acquisition
* Grants
* Lease-Purchase

1. **Capital Improvement:** New construction, furniture, equipment and major additions to facilities are generally classified as Capital Improvements; and, in all cases the improvement should result in additional use of the facility and provide long-term benefit beyond its present capacity. Most Capital Improvements are line-item appropriations and only on rare occasions are discretionary funds used for as Capital Improvement. Ideally, all Capital Improvement Projects in **excess** of $1,000,000 should be Preplanned one (1) year and funded the next.

2. **Furniture & Equipment:** Fixed Furniture & Equipment will be specified and installed according to Contract Documents and include, but are not limited to: refrigeration/freezer units, kitchen equipment, science/testing laboratories, telecommunication installation. Loose Furniture & Equipment will be specified and bid under separate contracts and include, but are not limited to: telephones, computer equipment (hardware only), automation programs (i.e., library automation), miscellaneous desks, chairs, etc.. To *furnish and equip* a facility will be mandated by legislation.

3. **Land Acquisition:** Purchase of real estate (i.e., land, facility, real property) will be mandated by legislation and all requirements set forth in the law will be met, including required advertisements, appraisals, etc.. The Bureau's Division of Real Property Management will be primarily responsible for the administration of real property acquisition.

4. **Grants:** Occasionally, the Bureau receives *grant* funds appropriated by the legislature. These funds are to be used by specific Using Agencies for specific purposes (upgrading libraries, historic buildings, constructing children's homes). The Bureau is responsible for directing these funds to the appropriate Using Agency on a reimbursement basis and using the Bureau's current *Request for Grant Funds* form. [See **Section 400** entitled *Codes & Policies* for details.] However, the Bureau does not serve as the Owner and is not directly responsible for oversight of any Project resulting from these funds. The recipient Using Agency is accountable for expenditure and compliance all state purchasing and construction laws.

5. **Lease-Purchase:** In 1993, the Legislature authorized DFA's Bureau of Building, Grounds and Real Property Management to lease, sublease, or lease purchase real property and to defray the cost of acquisition with rent proceeds. Any lease-purchase acquisition must be approved by the legislature, PPRB and the State Bond Commission. All requirements set forth in the law will be met, including advertisements, appraisals, etc.. The Bureau's Division of Real Property Management will be primarily responsible for administering lease-purchases. [**Mississippi Code 1972, Annotated**, Section 27-104-107]

200.5
REQUEST FORMS (Modified Dec 2013 SoS to agree with 2010/2012 forms to inc impact per Code)

All Project information will be submitted on Bureau Project Request Database Form which accompanies the notification letter. [See **Appendix 200**.]

200.6
DEADLINE

All request forms must be in the Bureau's office by the date specified in the notification letter.

200.7
SITE VISITS

The Bureau Staff conducts on-site visits to each Institution, Agency and Department submitting requests. These visits permit the Bureau Staff to review the Using Agency's *immediate* and *long range* plans. Members of the Legislature and various Governing Boards may also be invited to attend these meetings.

200.8
SUBMISSION TO LBO

After reviewing all the requests, the Bureau forwards its recommendations to LBO who in turn forwards its recommendations to the Legislature. The Senate and House Appropriation Committees review the requests and determine whether or not a Project should be funded.

200.9
LEGISLATIVE ACTION

The Legislature evaluates the Using Agencies' requests and funds them according to categories - Preplanning, Line Item, or Discretionary.

Request Categories
* Preplanning
* Line Item
* Discretionary

1. **Preplanning:** A Project may be designated for preplanning by the Legislature either by a Concurrent Resolution, or inclusion in a legislative bill. If a Concurrent Resolution is passed, the Bureau will use the ongoing revolving General Fund *Preplanning Fund* to defray the cost of preplanning. Use of this Fund is limited to two percent (2%) of the estimated cost of a project and once funded for construction, the *Preplanning Fund* must be replenished. [**Senate Bill 2407, Laws of 1994**] If a Project is designated for Preplanning by inclusion in a legislative bill, the bill will usually state the limitations, if any. Generally, these methods include a report on the preplanning process to the Legislature the following year at which time the Legislature may or may not consider funding.
2. **Line Item:** The Legislature may appropriate funds to be used for specific needs, or purposes. These funds may not be expended for any other purpose or project but will be limited to that purpose described in the appropriation measures. Planning and construction may begin immediately. If all the line-item funds are not expended, the Bureau has no authorization to establish new projects in order to expend the remaining funds. Once the specific need or purpose has been met, the Project is closed and remaining funds are disposed of according to the legislative authorization.
3. **Discretionary:** Funds may be given to the Bureau in a lump sum for purposes described in the appropriation bill without reference to any specific project. Repair and renovation projects are then funded at the discretion of the Bureau. It is the Bureau's policy to allocate funds for specific projects and not to distribute funds to Institutions, Agencies or Departments.

Consequently, any funds remaining after the Scope and intent of the original Project has been accomplished will be returned to the Discretionary Fund. These funds are then available for redistribution to other Institutions, Agencies and Departments projects.

200.10
EMERGENCY REQUESTS

From time to time, an emergency situation may arise where a Using Agency does not have sufficient funds available to restore the facilities, or equipment, to a state of usefulness. The Bureau may be contacted and requested to fund the emergency repairs, if funds are available. However, the Using Agency is expected to have exhausted every other option available, including the revamping of existing projects, before requesting emergency funds.

200.11
DEFINITION OF AN EMERGENCY

By definition an *emergency* is caused by: [**Mississippi Code 1972, Annotated**, Section 31-7-1(i)]

1. fire
2. flood
3. explosion
4. storm
5. earthquake
6. epidemic
7. riot
8. insurrection
9. any inherent defect due to defective construction

An *emergency* is also when:

10. the immediate preservation of order or of public health is necessary by reason of unforeseen emergency.
11. the immediate restoration of a condition of usefulness of any public building or equipment appears advisable.
12. there is a failure of any machine or other thing used and useful in the generation, production or distribution of electricity, water or natural gas, or in the transportation or treatment of sewage.

200.12
AGENCY'S RESPONSE TO EMERGENCY

In the case of an emergency, the Using Agency should make temporary repairs until more permanent measures can be taken. If the Using Agency has no funds available for emergency repairs, the Bureau may be contacted for assistance. The following guidelines have been established and are to be followed: [**Mississippi Code 1972, Annotated**, Section 31-7-13(j) and (k)]

1. Executive head of the Using Agency determines an emergency exists based on the criteria noted in the law.
2. Executive head of the Using Agency contacts the Bureau and requests assistance.
3. Executive head of the Using Agency forwards a statement, or **Declaration of an Emergency**, under oath certifying the conditions and circumstances of the emergency and a certified copy of the appropriate Minutes of the Board of such Using Agency, if applicable, stating such emergency occurred and approving the actions of the Executive head. [See **Appendix 200**.]

200.13
BUREAU'S RESPONSE TO EMERGENCY REQUESTS

If after reporting to the Bureau's Director, it is determined funds are available and an emergency exists, the Bureau Staff will make an on-site inspection and determine what action should be taken. There are two (2) options. If the repairs can be made using routine bidding practices, this is preferable. If, however, repairs are needed immediately, the following procedures will be followed:

1. If an emergency exists and delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the Using Agency, competitive bidding will not apply and such emergency purchases and repairs will take place as deemed appropriate by the Bureau.
2. The Director of the Bureau will ask the Bureau Staff to obtain at least two (2) written quotes for the repairs. The low bid will be authorized to commence work.
3. At the next PPRB meeting, the Director of the Bureau will present the emergency award for their confirmation and approval by certifying to the emergency. [See **Appendix 200**.]

200.14
APPROPRIATION BILLS

In past Legislative sessions, at least one (1) omnibus bill has passed which funds Preplanning, Capital Improvements, and Repair and Renovations needs for state Institutions, Agencies and Departments. This funding may have been line item or discretionary. An excellent example of this type of bill may be found in **Mississippi Code 1972, Annotated**, Section 29-17-1 and 29-17-2.

200.15
TYPES OF APPROPRIATION BILLS

The Legislature may, however, appropriate funds to the Bureau through other types of bills. They are as follows:

Appropriation Bills

* Preplanning
* Capital Improvement
* Repair and Renovation
* Combination Capital Improvement and Renovation
* Land Acquisition
* Discretionary
* Other

1. **Preplanning:** The Legislature may approve a Concurrent Resolution authorizing funds to be used from the Preplanning Revolving Fund for the purpose of Preplanning specific Capital Improvement projects. Or, funds may be appropriated for Preplanning in a Capital Improvement bill.

2. **Capital Improvement:** This type of appropriation bill normally covers new construction, new furniture and equipment, major additions and major alterations. Usually this bill contains a line item appropriation allocating specific amounts and types of funds and describing their use - such as *construct only*, *construct and equip*, or *equip only* certain facilities at specific locations.
3. **Repair and Renovation:** Major renovations will be line item appropriations and will be allocated specific amounts and earmarked for specific uses. Smaller repair & renovation projects may be funded from discretionary sources.
4. **Combination Capital Improvement and Renovation:** This type of appropriation would fund new construction, new furniture and equipment, major additions and alterations and renovations to existing structures. Line item appropriations allocating specific amounts and specifying facilities, location and usage may be in this bill.
5. **Land Acquisition:** At various times, funds have been appropriated to acquire real property as line item appropriations detailing the purchasing authority.

6. **Discretionary:** The Bureau may receive appropriations in a lump sum manner for repair & renovations to existing buildings and related facilities. These funds are administered at the discretion of the Bureau based on the following criteria:
   a. **Hazard:** Eminent danger of collapse; structure requiring abandonment
   b. **Health:** Actual sewer leaks, gas leaks, contaminated water, chemical fumes causing facility to be abandoned
   c. **Prevention of Further Loss:** Leaking roof causing damage to structure and contents
   d. **Law Compliance:** Mandatory Life Safety Code, Building Code, Court Ordered requirements and accreditation standards
   e. **Repairs to Existing Facility:** Repairs to restore to original condition; repair abandoned structures; painting; carpet replacement; furniture and equipment replacement
   f. **Renovations to Existing Facility:** Installation of new or improved materials (i.e., carpet where no carpet previously existed and partition changes)
   g. **Operation and Maintenance Cost Savings:** Insulation, energy management, obsolete HVAC replacement
   h. **Additions to Existing Facility:** Expansion, road extension, parking, utilities
   i. **Normal Operation and Maintenance:** THIS IS NOT A BUREAU FUNCTION. Generally, projects under $10,000 not requiring professional services and those projects within the capabilities of the physical plant or maintenance department are not eligible
   j. **Capital Improvement:** New buildings, major additions and alterations, parking areas, furniture and equipment (not replacements)
7. **Other:** The Legislature may, by line item appropriation, provide funds to authorize and accomplish whatever it deems necessary. This could involve the purchase of aircraft, boats, or the construction thereof.

200.16
BOND BILLS

In recent years, the Legislature has favored funding long term capital improvements through the sale of General Obligation [GO] Bonds backed by the full faith and credit of the State of Mississippi. Any expenditure financed by GO bonds should have a life expectancy of twenty (20) years.

The entire amount of bonds authorized in a Bond Bill may not be sold all at one time. GO Bonds may be sold at various times during the year. Therefore, the sale and depositing of bond funds must be considered in awarding contracts.

Once bonds have been sold and deposited into the State Treasury, funds must be expended within three (3) years in order to avoid arbitrage and damage the State's bond rating.

200.17
RECEIPT OF OUTSIDE FUNDING SOURCES

The Bureau may accept grants and outside funding sources from an Institution, Agency or Department. These sources may come in the form of:

A. **GRANTS:**

1. The Using Agency may have applied for and received grants (i.e., federal, energy, etc.) which are to be used for various kinds of construction projects. **Special Note:** The Bureau will not respond or allocate funds as matching money for grants unless it has been informed prior to the filing of an application for such grant. The Using Agency must inform the Bureau, prior to the time an application for grant funds is made, that it will request funds from the Bureau as matching money if the application is approved. A written statement of Scope, Budget and Grant information must be included with the request. In addition, if the Bureau is to request the Grant Funds or if the Using Agency is to request the funds, this should be indicated when the Bureau is first notified.

B. **OTHER SOURCES:**

1. The Using Agency may have received General Funds and/or reimbursement monies (i.e., Medicare, Medicaid) which may be used for construction projects.

Both of these funding sources are considered *outside funding sources* to the Bureau. These funds may be forwarded and received by the Bureau when a *Receivable* has been established in a Project. The Using Agency must submit the **Notification to Transfer Funds** form to the Bureau. [See **Appendix 200**.] Once the monies have been received into a Project, these will be used for the Project's planning and construction.
No construction contracts will be executed until all the outside funds have been received by the Bureau to support the awarded Contract. If funds are to be received in increments (reimbursement basis via grant funds), the Using Agency should notify the Bureau in the early stages of planning.

The Using Agency also has the option to expend the funds directly to the Professional and/or Contractor rather than forwarding them to the Bureau. A preapproved arrangement between the Bureau and Using Agency should be made during initial discussion of the Project as to how these funds will be expended and by whom. **Special Note:** The Bureau must reappropriate outside funds each year until they have been expended.

Section 200: Project Requests

Project Initiation

Section 300

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SECTION 300: PROJECT INITIATION

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300.1
PROJECT INITIATION

After requests have been submitted by the Institutions, Agencies and Departments and have been reviewed by the Bureau Staff, Projects receiving funding must be officially documented on a *Standard Approval Form - Record of Action* as shown in the sample below:

INSTITUTIONS OF HIGHER LEARNING
MISSISSIPPI STATE UNIVERSITY

'99 Roofing Program 105-999

The Bureau of Building, Grounds and Real Property Management approved the following:

(a) Initiating the following new repair and renovation project:

Project # 105-999 Title: '99 Roofing Program

(b) Total Project Budget: $200,000.00

Scope: Reroof Buildings X, Y and Z located on the Mississippi State University campus.

(c) Transferring $100,000.00 to subject project from the 1999 General Fund Account.

(d) Executing a contract with the following Professional firm:

Professional Assignment:
John Smith & Associates, P.A.
Jackson, Mississippi (AW-PP001)

Contract Type: C

(e) Appointing the following Consultant for the Professional - John Smith & Associates, P.A.:

Asbestos Consultant:
Irving Levin Asbestos Consultant
Jackson, Mississippi

(f) Establishing a Receivable in the amount of $100,000 to be received from the University.

ESTIMATED PROJECT BUDGET: (C - Roofing)	
ESTIMATED CONTRACT	$ 180,000.00
FEES: JOHN SMITH	15,000.00
OT001: Advertisements	50.00
Contingency	4,950.00
TOTAL PROJECT BUDGET	$ 200,000.00
FUNDS AVAILABLE:	
1999 General Funds	$ 100,000.00
MSU Receivable (Funds To Be Received: $100,000)	_____ .00
TOTAL FUNDS AVAILABLE	$ 100,000.00

When a Project is initiated, certain pertinent information is assigned to that Project on the *Standard Approval Form - Record of Action* and cannot be changed without the written permission of the Bureau.

* Project Classification
* Funding Source
* Transfer of Funds
* Professional Assignment
* Consultant Assignment
* *In House* Project
* Estimated Project Budget
* Funds Available
* Originator
* Approval

1. **Project Classification**: Projects are classified as Capital Improvement, Repair and Renovation, Furniture and Equipment, or Land Acquisition. [See **Section 200**.]

   a. **Project Number**: This Number should appear on all subsequent documents and correspondence. Project numbers have six (6) digits. The first three (3) digits identify the Institution, Agency, or Department. The last three (3) identify a specific project.

   b. **Project Title**: Project's Title should appear on all subsequent documents and correspondence. This Title is as important as the Project Number for identification and legal purposes.

2. **Funding Source**: Depending on legislative action, funding sources may vary from line item, discretionary, repair and renovation, preplanning, or outside contribution. [See **Section 200**.]

   a. **Scope**: The Scope of the Project is based on the request submitted by the Using Agency and may not be altered without the Bureau's written approval.

3. **Transfer of Funds**: Transferring the funds to the Project is a depository procedure in order to place the funds in the Project for expenditure.
4. **Professional Assignment**: A Professional is selected through the selection process and assigned a fee schedule. [See **Section 400**.]
5. **Consultant Assignment**: If the Professional requires the assistance of a Consultant, one may be assigned. Once a Consultant has been approved by the Bureau, no changes may be may without the Bureau's written approval.
6. ***In House* Project**: If the Using Agency has personnel to perform the planning process outlined in this Manual, the Using Agency may serve as the Professional and will receive no fee for the services provided.
7. **Estimated Project Budget**: Initially, each Project is given an estimated budget. The Professional will submit a revised estimated budget after the planning process begins. The Estimated Project Budget should remain within the funds available and may not exceed this amount without the Bureau's written approval.
8. **Funds Available**: The *Standard Approval Form - Record of Action* will show the total funds available at any given time during the life of the Project.

   a. **Receivable**: The Using Agency should notify the Bureau of its intent to send funds to support the Project, the amount and the kind of funds.

9. **Originator**: The Bureau Staff member assigned to the Project will initiate the *Standard Approval Form* and be responsible for correlating all data during the life of the Project.
10. **Approval**: The Bureau Director has the responsibility of approving all official actions of the Bureau. No *Standard Approval Form - Record of Action* is official until it has been approved and signed by the Bureau's Director.

300.2 INSTITUTION/AGENCY/DEPARTMENT
MASTER CODE

The master code is as follows:

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Robert E. Lee Building 354
Carroll Gartin Justice Building 355
Governor's Mansion 356
New Capitol Building 358
Old Capitol Building 359
Walter Sillers Building 360
War Memorial Building 361
Woolfolk State Office Building 362
Manship House 364
Burroughs Building 365
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Mississippi Library Commission 511
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300.3
PROFESSIONAL SELECTION PROCESS

The primary objective of the Professional Selection process is to choose individuals, or firms, to provide professional services to the State of Mississippi which result in the best building for the Using Agency. In addition, the intent of the process is to disseminate work among qualified firms who can deliver quality-designed projects on time and within the funds available.

It is the policy of the Bureau to employ Architects, Engineers and Consultants who are not only licensed to work in Mississippi, but who are, in fact, Mississippi residents. [**Mississippi Code 1972, Annotated**, Section 73-1-1 and Section 73-13-1] When the expertise needed in particular instances is not available in Mississippi, the Bureau will consider professionals who are not Mississippi residents.

The Professional Selection policy is outlined in **Section 400**.

300.4
CONSULTANTS (modified Dec 2013 SoS)

If the Basic Services Consultants are not selected during the Professional Selection Process, the principal professional architect selected will immediately submit to the Bureau the names of structural, mechanical and electrical consulting engineers in the order of preference. If an Engineer has been named the principal Professional of the Project and the Project will require additional engineering and architectural assistance, the Engineer will submit the names of consulting engineers and architects in the order of preference for consideration by the Bureau.

If other Basic Services Consultants are needed, such as hazardous or civil, the principal Professional submits names in order of preference for consideration. Approval of *in house* preparation of asbestos, mechanical, electrical or structural portions of the Contract Documents without the use of an outside consultant must also be obtained prior to beginning the Work.

Basic Services Consultants selected by the Professional should have an *M54 Architect-Engineer and Related Services Questionnaire Form* [See **Appendix 400**.] on file with the Bureau prior to approval. To verify if a prospective Consultant has this information on file, the primary Professional may contact the Bureau office during regular working hours. If the proposed Consultant does not have an *M54* on file, one will be forwarded to the Consultant to complete and return and can be found on the web.

The contractual agreement between the Professional and the Consultant will include inspection services.

300.5
***IN HOUSE* PROJECTS** (modified Dec 2013 SoS)

The Bureau may grant approval to a Using Agency to accomplish a Project *in house*. If a Using Agency submits a request for an *in house* Project, it may agree to act as the Professional. Or, in some cases, the Using Agency may request to act as the Contractor. In either case, the Using Agency agrees to follow all procedures and requirements set forth in this Manual.

More specifically, when the Using Agency serves as the Professional, it agrees to the Bureau's approval process which includes, but is not limited to:

1. The Using Agency will submit all design documentation to the Bureau for approval prior to bidding, or solicitation of quotes.

2. All Documents prepared for an *in house* Project will bear the seal of the responsible Architect or Engineer.
3. The Using Agency may publish the *Advertisement for Bids* and receive the bids. Or, the Bureau may be requested by the Using Agency to perform this task.
4. If the Project is over $5,000.00 and under $50,000.00 and will not be bid, state purchasing laws must be followed which requires the solicitation of two (2) written quotes by the Using Agency and component breakdown. The Bureau, et al, encourages competitive quotes for even under $5,000.00.
5. All bids received by the Using Agency, or solicited quotes, must be submitted to the monthly PPRB by the Bureau for approval prior to issuance of a Contract.
6. After PPRB approval, the Using Agency will prepare the Contract for the Bureau's signatures and approval. Or, the Bureau may be requested to prepare the Contract by the Using Agency.
7. No fees for Professional services will be paid to the Using Agency.
8. Code 73-13-45 will be followed for requirement of a Professional.

More specifically, when the Using Agency serves as the Contractor, it agrees to the Bureau's approval process which includes, but is not limited to:

1. Bidding documents will be prepared for materials required and the documentation must be approved prior to bidding.
2. Personnel regularly employed by the Using Agency will not be paid.
3. If the Using Agency's personnel performs the work, reimbursement will be made for materials only. [See **Section 400** entitled *Codes and Policies* for details regarding *Reimbursements*.]

(Note: See also Bureau, et al, web which includes a document entitled "Quote Checklist" which includes some details and Codes regarding bids OR quotes for planning through construction.)

300.6
OWNER/PROFESSIONAL RELATIONSHIP

All Contracts for Professional services exist between the Bureau and the Professional. Any *Standard Form of Agreement Between the Owner and the Professional* (Percentage, Roofing, Asbestos, Etc.) details the obligations and responsibilities of each party. [See **Contracts**.] From the beginning of a Project, the Professional will be directly responsible to the Bureau who is the Owner.

Copies of all Drawings, Project Manuals, reports and other materials relating to the Project prepared by the Professional will be transmitted directly to the Bureau and copies simultaneously submitted to the Using Agency. Any comments the Using Agency may have regarding the documents should be forwarded to the Bureau in writing as soon as the Documents have been reviewed by the Using Agency staff.

The Bureau will communicate all approvals, rejections, change requirements and other similar information to the Professional in writing. Necessary information will be coordinated by the Bureau with the Using Agency and other related parties.

300.7
PROFESSIONAL COMPENSATION

At the time the Project is initiated, the Professional will be assigned a fee calculated as a percentage of construction cost derived from a basic fee formula of a fixed number (X) divided by the common logarithm of the actual construction cost (C). There are three (3) basic fees and building classifications are as follows:

Type A: Projects of simple, utilitarian character without complication or detail and with a high degree of repetition, such as parking structures, garages, loft type structures, warehouses (exclusive of automated equipment), industrial buildings and farm structures.

Type B: Project of simple character requiring normal attention to design, detail, and with moderate repetition, such as armories, apartments, bakeries, cold storage facilities, exhibition halls, freight facilities, hangers, manufacturing, industrial plants, motels, office buildings (without tenant improvements), packaging and processing plants, printing plants, public markets, roads, skating rinks, and service garages.

Type C: Projects of conventional character requiring normal attention to design and detail, complete with complete mechanical and electrical systems, such as bridges, cinema, college classroom facilities, convention facilities, dining halls (institutional), dormitories, fire stations, gymnasiums*, hotels, laundries and cleaning facilities,

marinas, nursing homes, office buildings (with tenant improvements), parks, playground and recreational facilities, police stations, post offices, publishing plants, restaurants, schools (elementary and secondary), specialty shops, stadiums, transportation terminals, welfare buildings, neighborhood centers and similar recreational facilities, banks, exchanges and other financial institutions, extended care facilities, libraries, medical schools, medical office facilities and clinics, mental institutions, mortuaries, public health centers, religions facilities, research facilities, central utilities plants, water supply and distribution plants, sewage treatment and underground systems, electrical sub-station and primary and secondary distribution systems.

* Simple, prefabricated-pre-engineered, minimum types shall be classified under Classification B.

Type D: Projects of specialized character requiring a high degree of skill in design, containing large amounts of complex scientific mechanical and electrical equipment, such as aquariums, auditoriums, airport control towers, art galleries, breweries, college buildings with special facilities, communications buildings, correctional and detention facilities, exposition buildings, hospitals, laboratories, observatories, theaters and veterinary hospitals.

All historical facilities requiring complete restoration, except historical facilities being repaired only, are a C classification.

Type E: Projects of detail character requiring elaborate planning and execution and devoid of repetition, such as mausoleums, memorials, monuments, museums, residences, and specialized decorative buildings.

A Fee percentage formula = $\frac{35}{\text{Log } C}$ **A** Fee amount formula = $\frac{C\ (35)}{(\text{Log } C)}$

B Fee percentage formula = $\frac{40}{\text{Log } C}$ **B** Fee amount formula = $\frac{C\ (40)}{(\text{Log } C)}$

C Fee percentage formula = $\frac{42}{\text{Log } C}$ **C** Fee amount formula = $\frac{C\ (42)}{(\text{Log } C)}$

D Fee percentage formula = $\frac{44}{\text{Log } C}$ **D** Fee amount formula = $\frac{C\ (44)}{(\text{Log } C)}$

E Fee percentage formula = $\frac{46}{\text{Log } C}$ **E** Fee amount formula = $\frac{C\ (46)}{(\text{Log } C)}$

If the Project embraces substantial renovation and/or repairs, then the Owner will approve a total fee which shall be 115% of the basic fee shown above. The fee will be increased or decreased accordingly if the Construction Contract amount is increased or decreased. If an increase occurs to the Construction Contract as a direct result of the Professional's errors or omissions, the Owner may elect not to increase the fee.

Asbestos Abatement Contracts are figured on a type C fee percentage; however, in no instance will the fee be less than one thousand dollars ($1,000.00). From time to time, the Owner will prepare and issue special Professional contracts for unique projects which depart from the above outlined percentages.

Roof Contracts are calculated on a type C fee percentage; however, in no instance will the fee be less than $1,000.00. From time to time, the Owner may prepare and issue special Professional contracts for unique projects departing from the above outlined percentages.

300.8
BUREAU'S ACCOUNTABILITY

Since appropriation of funds is made directly to the Bureau of Building, Grounds and Real Property Management, the Bureau is solely accountable for the management of these funds and will do so to the best of its ability without error. Therefore, the Bureau assumes the responsibility of Owner in all contractual matters regarding the hiring and administration of Professional services using these appropriated funds.

300.9
PROFESSIONAL'S RESPONSIBILITY

The Professional is responsible for development of the preliminary Construction Documents within the funds available and working with the Bureau to adjust the Project if the program requirements cannot be met. The Professional will communicate directly with the Bureau in all matters of scope, budget, testing and time.

The Bureau will not assume financial responsibility for any modifications or compensations to the Professional or Using Agency for delays, costs, or damages incurred as a result of actions taken by the Professional at the request of the Using Agency without the Bureau's approval.
All Documents prepared by the Professional will bear the seal of the responsible Architect or Engineer.

300.10
USING AGENCY'S RESPONSIBILITY

The Using Agency must provide information regarding programming, surveys, drawings of existing facilities, asbestos data, furniture and equipment requirements, and any other pertinent documents necessary to successfully and expeditiously plan the Project.

The Using Agency may not authorize, or request, any work to be performed by the Professional which would expand, reduce, divide, or otherwise modify the scope, budget, or time schedule. If such changes are desired, these should be addressed in writing to the Bureau Staff. After investigation, the Bureau Staff will convey the modification decisions to the Professional and so notify the Using Agency.

When the Using Agency has been approved by the Bureau for *in house* design, the relationship of the designer to the Bureau is the same as outlined above for a Professional with whom the Bureau has contracted directly.

300.11
CHANGES

No changes in the Project's approved scope, budget, or program will be permitted unless written justification by the Using Agency, or the Professional, has been submitted to the Bureau. The Using Agency and Professional will be notified by the Bureau in writing if the proposed changes are approved. No action should be taken by the Professional until the Bureau's approval has been received.

Section 400

Codes and Policies

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SECTION 400: CODES AND POLICIES

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400: CODES AND POLICIES

400.1
CODES (modified 09/04; Aug 16, 2013 ASHRAE; Jan 2015 latest DFA/BoB adopted edition)

The following Codes and Regulations are used by the Bureau. The Professional will prepare all Documents in compliance with the latest Department of Finance and Administration/Bureau of Building, Grounds and Real Property Management adopted edition of each. Special projects may necessitate compliance with additional codes, regulations or requirements. The Using Agency can be of assistance in specifying Code and Regulation requirements.

The Professional will adhere to the following abridged list of Codes and Regulations depending on the nature of the Project. In some instances, printed materials are available upon request; whereas, certain regulatory agencies require appointments to discuss specifics because no printed materials are available. It is assumed the Professional is familiar with all Codes and Regulations and will comply with all codes whether they are listed below or not. Professionals may hire, at their own expense, consultants to review documents for code compliance; the Bureau Staff will not review drawings or specifications for code compliance.

.1 International Building Code
.2 International Existing Building Code
.3 International Plumbing Code
.4 International Mechanical Code
.5 International Fuel Gas Code
.6 International Electrical Code
.7 ASHRAE 90.1 (Energy Standard for Buildings)
. 8 International Fire Code
.9 Mississippi Handicapped Law, Mississippi Code 1972, Annotated, Section 43-6-101 through 43-6-125
.10 Federal Register, Part III, Environmental Protection Agency 40 CFR Part 61, National Emission Standards for Hazardous Air Pollutants; Asbestos NESHAP Revision; Final Rule
.11 Mississippi Regulations for Accreditation and Certification of Asbestos Abatement Personnel (Mississippi Department of Environmental Quality)
.12 Federal Register, Part IV, Department of Justice 28 CFR Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Final Rule
.13 Davis Bacon Act Regulations
.14 Mississippi Floodplain Regulations
.15 Information Technology Services (formerly Central Data ProcessingAuthority)- *Computer Equipment Purchases and Telecommunication Purchases*
.16 Mississippi Department of Archives and History - *Historic Properties*
.17 MississippiDepartmentofEnvironmental Quality's Office of Pollution Control – *Air and Water*
.18 Mississippi State Department of Health's Health Facilities Licensure and Certification Division -
Minimum Standards of Operation for Home Health Agencies
Minimum Standards of Operation for Personal Care Homes
Minimum Standardsof Operation forChemical Dependency Units
Minimum Standards of Operation for Mississippi Hospitals
Minimum Standards of Operation for Psychiatric Hospitals
Minimum Standards ofOperationforAmbulatorySurgical Facilities
Minimum Standards of Operation for Institutions for the Aged and Infirmed

400.2
PERMITS & LOCAL AUTHORITIES

Local building permits are not required. Local authorities have no jurisdiction over state-owned projects except where they have been specifically authorized to act on behalf of the State (i.e., local fire marshals and health officials). [**Mississippi Supreme Court** opinion, City of Jackson v. Mississippi State Building Commission et al, 350 So.2d 63 (1977)]

ROOFING POLICY

400.3
THE POLICY

In an attempt to alleviate various problems regarding low-sloping roofs and to standardize plans and specifications, the Bureau as the Owner has set forth the following policy for roofing new and existing buildings. The following guidelines delineate the Bureau's Roofing Policy and related forms.

Roof Policy Elements
* Roof Requirements
* Roof Guarantee
* Roof Slopes
* Roof Substrate
* Roof Insulation
* Roof Top Equipment
* Flashings
* Roof Planning and Surveying
* Roofing Asbestos Testing
* Roofing Bid Documents
* Quality Assurance
* Prebid Roofing Conference
* Preroofing Conference
* Roof Inspection
* Roof Bond

A. **ROOF REQUIREMENTS**

1. The following three (3) types of roofing systems are approved. Any other type of roof system must have written approval from the Owner:

a. A four-ply fiberglass and bitumen hot-mopped applied built-up roofing system.

b. A modified bitumen roofing system shall be hot-mopped applied.

c. A single-ply polymeric roofing system including EPDM (ethylene propylene diene m o n o m e r); SPE (c h l o r o s u l f o n a t e d polyethylene); and CPA (copolymer alloy) can be loose laid, adhered or mechanically attached.

2. It shall be the responsibility of the Professional to choose the type of roof which will best suit the Project and to specify that the roof be furnished, installed and guaranteed as a system which may include vapor retarders, insulation, fasteners, bitumen, felts, membranes, flashings and/or other items which are required by the proposed design. All materials used in the roofing system shall be specified to meet the latest available American Standards of Testing Materials (ASTM) for individual components of the roofing system. Certification from the roofing Manufacturer shall be furnished at the pre-roofing conference as well as when the material is delivered to the job site.

B. **ROOF GUARANTEE**

1. The four-ply built-up roof system and the modified bitumen system shall have a twenty (20) year unlimited Manufacturer's guarantee for water tightness covering material and Workmanship on the entire system.
2. The single-ply polymeric system shall have a fifteen (15) year unlimited Manufacturer's guarantee for water tightness covering material and Workmanship on the entire system.
3. In addition to the above guarantee, the General Contractor and/or the Roofing Contractor shall provide a written guarantee agreeing to keep the roof free of leaks for a period of two (2) years beginning at the time of acceptance of the Project by the Owner.

C. **ROOF SLOPES**

1. All roof construction on new buildings shall have a built-in minimum slope to drains or eaves of a quarter of an inch (1/4") per foot.
2. All replacement roofs shall have a minimum slope of a quarter of an inch (1/4") per foot where feasible, however in no case shall the slope be less than one sixteenth of an inch (1/16") per foot.

D. **ROOF SUBSTRATE**

1. The type roof system selected shall be compatible with the substrate and shall be approved by the roofing material Manufacturer.

E. **ROOF INSULATION**

1. Roof insulation shall be of the type approved and guaranteed by the roofing Manufacturer for the roof assembly in which it is to be used. The required minimum "R" value shall be specified.
2. On replacement roof projects which do no have a sloping deck, tapered insulation shall be used where feasible.

F. **ROOF TOP EQUIPMENT**

1. On all new construction, the installation of equipment on roofs shall not be permitted. Where equipment must be installed on a roof, such as kitchen exhaust hood, it shall be approved by the Owner and shall be installed in accordance with the National Roofing Contractors Association (NRCA) design details which shall be such that reroofing can be easily

accomplished without the removal of the equipment.

2. Where equipment must be periodically serviced, easy access and traffic pads shall be provided.

G. **FLASHINGS**

1. Flashings shall be included in the Roof Warranty and shall be applied by an applicator approved by the Manufacturer of the roofing material.
2. In reroofing projects existing metal flashings which are not to be replaced may be exempted from the Warranty.

H. **ROOF PLANNING AND SURVEYING**

1. A report shall be prepared by the Professional which shall include the following items:
   a. New Construction
      (1) Fire Code protection requirement and the required hourly fire resistance rating of the assembly
      (2) UL roof assembly number
      (3) Type of roofing and flashing system recommended with justification for its use
      (4) Roof Area
      (5) Cost Estimate

   b. Existing Construction
      (1) Determination of roof construction (core where necessary)
      (2) Asbestos survey and testing
      (3) Visual roof analysis inspection
      (4) Moisture analysis
      (5) Code requirements (UL roof assembly number, if applicable)
      (6) Provide Class A type roof, or match existing roof
      (7) Recommendations by the Professional as to repair or reroof
      (8) Cost Estimate
   c. The necessary forms to complete the roof analysis and inspection are included in **Appendix 400**.
2. Two (2) copies of this report will be submitted to the Bureau.

I. **ROOFING ASBESTOS TESTING**

1. All testing should be conducted and performed as stated in the *ACM Abatement Policy*. [See **Section 400.4**.]

J. **ROOFING BID DOCUMENTS**

1. For new construction and complete tear-off of existing roofs, the Professional shall specify in the Bid Documents the roof as a system and shall include all items which are to be covered under the Roof Warranty.
2. When required, the Professional shall state in the Section, *Instructions to Bidders*, that upon award of Contract the General Contractor and/or Roofing Contractor shall provide the Owner with the installed price of the roofing system. If more than one (1) building is involved, each building shall be listed separately.
3. Items to be included/stated in Bid Documents:
   a. Prebid Conference: This conference is to be set at least seven (7) days prior to the bid opening. The date is to be stated in the specifications.
   b. Installer Submittals: Within five (5) days after bids have been opened, the low Bidder shall provide the Bureau with a letter from the Manufacturer of the roofing system stating that the low Bidder is an authorized installer. The letter should also list three (3) projects installed by the low Bidder's firm which used the type roofing specified in the Bid Documents. The Roofing Contractor shall also provide a sample copy of the Manufacturer's Roof Warranty.
   c. Roofing Manufacturer: The Bidder is to state the name of the Manufacturer of the roofing system to be install.
4. Removal of ACM will be a part of the Contract and must be incorporated into the Bid Documents. [See **Section 400**.]

K. **QUALITY ASSURANCE**

1. The Roofing Contractor shall have been in business not less than five (5) years.
2. Within five (5) days after bids have been received, the low bidder shall provide the Owner with the following information:

a. A letter from the Roofing Manufacturer stating that the bidder is an authorized installer.
b. A sample copy of the Manufacturer's Warranty for the specified roofing system.A list of three (3) projects installed by his firm which used the type of roofing system specified.

L. **PREBID ROOFING CONFERENCE**

1. At least seven (7) days prior to bidding of a reroofing project, a prebid conference shall be held at the Project site. Attendance is not a prerequisite for bidding; however, it is strongly recommended.

M. **PREROOFING CONFERENCE**

1. On new and reroofing projects, prior to ordering roofing materials, a preroofing conference shall be initiated by the Professional.
2. At such time, the Roofing Contractor shall provide a list of materials to be used, Manufacturer's installation instructions as well as the Manufacturer's certification confirming that the materials to be used on the Project meet the specified American Standard Testing Materials [ASTM] Standards and a statement that the materials can be warranted by the Roofing Manufacturer.
3. On reroofing projects, the following personnel shall be in attendance:
   a. Professional
   b. Owner's Staff Inspector
   c. Using Agency's Representative
   d. Roofing Contractor
   e. Roofing Manufacturer's Representative
4. On new roofing projects, the following personnel shall be in attendance:
   a. Professional
   b. Owner's Staff Inspector
   c. Using Agency's Representative
   d. Roofing Manufacturer's Representative
   e. General Contractor
   f. Roofing Contractor
   g. Deck Contractor
   h. Mechanical Contractor

N. **ROOF INSPECTION**

1. Inspections shall be made by the Manufacturer's technical representative, as necessary, to obtain the Roof Guarantee.
2. The Professional, or Representative, shall inspect the roof as the Work progresses. In particular, inspections shall be at the following times and followed by a letter of confirmation:
   a. Inspect the substrate before any roofing is done.
   b. Inspect at the beginning of roofing installation to assure the approved materials are being properly installed.
   c. Inspect, as necessary, the Work as it progresses, or when a problem arises.
   d. Inspection at the completion of the Work in order to give final acceptance of the Project.

O. **ROOF BOND**

1. The Professional shall submit to the Owner the original Roof Bond and include all Close-out Documents.
2. The Bond will be in the name of the Bureau of Building, Grounds and Real Property Management acting on behalf of the State of Mississippi as the Owner.

ASBESTOS ABATEMENT POLICY

400.4 (amended April 2009 Scruggs to AG)
THE POLICY

Where Asbestos Containing Materials [ACM] must be removed, the following guidelines and procedures have been developed to manage this process:

ACM Guidelines
* Asbestos Certification
* Schedule
* Asbestos Abatement Phases
* Inspection/Sampling Testing Phase
* Abatement Document Phase
* Bidding Phase
* Abatement Phase
* Professional Consulting Services

A. **ASBESTOS CERTIFICATION**

1. The Professional is to secure the services of asbestos specialist(s) who possesses current *Project Designer* and/or *Project Inspector* certificate(s) issued by the Mississippi Department of Environmental Quality's Office of Pollution Control.

2. A copy of each Certificate will be attached to a comprehensive report submitted by the Professional to the Owner defining the ACM present, its type, location and approximate quantity.

3. If the Professional has an asbestos specialist on staff who possesses proper certification, the asbestos testing can be performed *in house*.

B. **SCHEDULE**

1. Upon execution of the *Standard Form of Agreement Between the Owner and the Professional*, the Professional will submit a *Schedule of Performance* for approval by the Bureau Staff. This *Schedule* will include allowances for time required by the Bureau and Using Agency for review and approval of the submissions. When the *Schedule* has been approved by the Bureau, it will not, except for reasonable cause, be exceeded by the Professional.

C. **ASBESTOS ABATEMENT PHASES**

1. Inspection/Sampling/Testing
2. Abatement Document
3. Bidding
4. Abatement

D. **INSPECTION/SAMPLING/TESTING PHASE**

1. The Professional will consult with the Owner to ascertain the applicable requirements of the Project.
2. The Professional shall perform a complete inspection of the Project to determine:
   a. Types of Asbestos
   b. Locations of Asbestos
   c. Quantities of Asbestos
3. The Professional will secure the services of a testing laboratory qualified by the National Institute of Safety and Health [NIOSH] to conduct tests. Services should include:
   a. Sample Collection
   b. Analysis
   c. Reporting
4. The Professional, if qualified as a NIOSH laboratory, may conduct the asbestos sampling, analysis and reporting.
5. The Owner will reimburse the Professional for the testing required by this phase.
6. Four (4) copies of the comprehensive written report will be submitted to the Owner. Documents should include:
   a. Drawings
   b. Testing Laboratory Reports
   c. Cost Options
   d. Owner's Options
7. The Professional will prepare and submit an estimate of the Project's total cost. The estimate should include:
   a. Costs associated with removal of ACM
   b. Costs associated with disposal of ACM
   c. Replacement of any finishes or materials disturbed during the removal process
   d. Testing
   e. Monitoring
8. The Professional will show progress to date and confirm the remainder of the Schedule.
9. The Bureau must give written approval of the Inspection/Sampling/Testing Phase before the Professional proceeds with the next phase.

E. **ABATEMENT DOCUMENT PHASE**

1. (removed 7/9/09 per AG notification)

2. The Professional will prepare and submit four (4) copies of Working drawings and specifications for approval. Two (2) copies will be delivered to the Bureau and two (2) copies will be delivered to the Using Agency. The drawings and specifications should detail and prescribe:
   a. The Work to be accomplished.
   b. Protective measures in accordance with EPA guidelines.
   c. Procedures for shutting down mechanical and electrical systems.
   d. Phasing of Work, if required.
   e. Outlining responsibilities for cleaning.
   f. Outlining responsibilities for removing loose equipment.

3. After receiving a reviewed copy of the Abatement Documents from the Owner, the Professional will review and revise the documents. When the final revised copies are ready for distribution two (2) copies will be given to the Owner and two (2) copies to the Using Agency prior to release of documents for bids.
4. The Professional will provide complete sets of plans, specifications, and other bidding documents for bidding purposes.
   a. The Professional will be reimbursed for printing the bid documents by the Owner, with cost approval prior to printing.
   b. Costs of all plans and specifications, other than for bidding, will be at the Professional's expense.
5. The Professional will prepare and submit to the Owner a detailed construction cost analysis based on a quantity survey. The estimate will show an escalation projected from the date of the estimate to the projected bid date.
6. The Professional will agree that approval of the drawings and specifications by any person, body, or agency will not relieve him of the responsibility for the adequacy, fitness, suitability, correctness of design, and designing the Work in accordance with sound and accepted practices and in compliance with prevailing building codes, federal and state laws and regulations regarding asbestos abatement.

F. **BIDDING PHASE**

1. Following the Owner's approval of the Abatement Document Phase, the Professional will assist the Owner in:
   a. Obtaining bids
   b. Awarding a Contract
   c. Preparing Construction Contracts
2. The Professional will attend the bid opening and furnish a bid tabulation sheet in accordance with the Bureau's format. [See **Appendix 400**.]
3. Immediately after receipt of bids, the Professional will submit to the Owner a certified tabulation of all bids received accompanied by a recommendation as to the award of Contract.
4. Following the award of Contract, the Professional will prepare four (4) copies of updated construction documents (specifications) and four (4) copies of reduced plans. Each copy will be marked *OFFICIAL CONTRACT DOCUMENTS* and will include:
   a. Executed Bid Proposal Form (Photocopy is acceptable)
   b. Agreement Form (With original signatures)
   c. Contract Bond (With original signatures)
   d. Power of Attorney (No riders)
   e. Insurance Certificates (Completed with no alterations)
   f. Bulletins, addenda, and supplemental drawings
5. Reduced copies will be distributed as follows:
   a. Owner - two (2) copies.
   b. Contractor - one (1) copy.
   c. Professional - one (1) copy.
   d. Owner's Representative - one (1) copy.
6. The Professional will provide the Attorney General's Special Counsel any information required after the award of Contract.

G. **ABATEMENT PHASE**

1. The Professional's relationship to the General Contractor is outlined in the General Conditions of the Contract between the Owner and the Contractor and is modified by any *Supplementary Conditions*.
2. The Professional will perform the following services during the Construction Phase:
   a. Complete administration of all construction Contracts
   b. Issue certificates for payment
   c. Examine and approve shop drawings and correct shop drawings when necessary for conformance with the design intent
   d. Make revisions, corrections, or clarifications in the Contract Documents by bulletins or change orders, together with all correspondence and clerical work in connection with bulletins and change orders
   e. Provide sufficient on-site investigation to substantiate any of the above
   f. Accept the completed Project, together with such certificates, manuals, and guarantees as provided in the Contract Documents
3. The Professional will collect, maintain and house weekly payrolls from all Contractors and Subcontractors for compliance with the labor standard provisions in the Contract.
4. The Professional will be responsible for conducting field inspections as needed.
   a. The Professional will maintain a log of all visits to the site by the Consultants and the Professional's firm
   b. This log will be submitted once a month to the Owner apprising the Owner of the progress and condition of the Work
5. The Professional will be the interpreter of the requirements of the Contract Documents and judge of the performance thereunder of the Contractor.
6. The Professional will not issue any verbal or written orders for omissions from, additions to, or changes in the Construction Contract until approved in writing by the Owner.
7. The Professional will determine the amounts owed to the Contractor based on inspections at the site and evaluations of the Contractor's applications for payment.
8. The Professional will recommend, for the Owner's approval, the issuance of certificates for payment in such amounts as provided in the Contract Documents.
9. The issuance of certificates for payment will not be a representation that the Professional has made any examination to ascertain how and for what purpose the Contractor has used the monies paid on account of the Contract sum, other than to secure certification under oath that all Materialmen, Laborers, and Subcontractors have been paid by the Contractor.
10. Daily air monitoring and final air clearance testing will be included in the Contractor's responsibility in the Abatement Documents.
    a. The Contractor will select, supervise and pay for all job air monitoring
    b. If for any reason, this is omitted from the Contractor's responsibility, the Professional will provide the air monitoring services without additional cost to the Owner
11. If the Asbestos Hazard Emergency Response Act [AHERA] regulations require a final air clearance test by an independent testing laboratory not associated with the Contractor, the Professional will obtain that final test and the Owner will reimburse the Professional directly for the expense of obtaining these services, provided the selection and costs are preapproved by the Owner in writing.
12. The Professional and Consultants will conduct a semi-final inspection when the Work has been completed.

    a. When these items have been corrected by the Contractor, the Professional, Consultants and Bureau Staff Inspector will conduct a final inspection.
13. Upon completion of the Project, the Professional will provide the Owner with two (2) sets of record documents which include:
    a. Changes caused by Addenda
    b. Field changes
    c. Change Orders
    d. Observed changes by the Professional, Contractor, or Subcontractors
14. The Professional will provide the Attorney General's Special Counsel any information required at the end of the Contract.
15. During the Warranty period, the Professional will Work with the Owner's Representative to secure remedies of defects that become apparent.
    a. The Professional will make, along with the Owner's Representative, a Warranty inspection prior to the expiration of the Warranty period and report observed discrepancies to the Contractor for correction

Section 400: Codes and Policies

H. **PROFESSIONAL CONSULTING SERVICES**

1. If the Professional renders basically abatement services, all plans, specifications, detailed drawings and miscellaneous services required for architectural or engineering Work will be accomplished by the Professional at no additional cost to the Owner.

TESTING POLICY

400.5
THE POLICY

* Survey/Investigation/Testing
* Testing Process

A. **SURVEY/INVESTIGATION/TESTING**

1. The following list of services may be secured in order to prepare the design and Construction Documents:
   a. Soil investigation
   b. Foundation reports
   c. Topographic information
   d. Subsurface conditions
   e. Land Survey
2. The Professional will be reimbursed from the Project's contingency funds and not from the Professional's fee.
3. These reimbursements will be made directly to the Professional only upon written approval by the Bureau.

B. **TESTING PROCESS** (modified Jan 2015 orig & 4 to orig & 1 copy)

1. The Professional is solely responsible for securing one (1) detailed written proposal which includes Scope, Cost and Time for the Work to be performed.
2. The Professional is to exercise great care in the selection, review and recommendation of any service provided.
3. This proposal will be forwarded to the Bureau, accompanied by a letter of request and recommendation.
4. The Bureau Staff will review and recommend the proposal for approval.
5. If, however, the Bureau Staff finds the proposal unacceptable, it may be rejected and another proposal requested.
6. Only one (1) payment will be made at completion of the Work.
7. The Professional will forward the following information to the Bureau in order to process the reimbursement:
   a. Letter stating completion of services
   b. One (1) original final invoice and one (1) copy
   c. One (1) set of data regarding the services provided
8. A separate letter and invoice for each service must be submitted for reimbursement.
9. All items delineated above refer to design related information and do not refer to any construction information.

PROFESSIONAL SELECTION POLICY

400.6 (amended April 2009 $1,000,000 to $2,000,000; $2,000,000 to $3,000,000 & added 400.6.b "Note" Dec 2013 SoS; 400.6 August 2016)

THE POLICY

* Projects up to and including $3,000,000
* Projects more than $3,000,000

A. PROJECTS LESS THAN $3,000,000

Projects containing an initial total project budget of up to and including $3,000,000 may use the Request for Qualifications professional selection process if the Bureau deems it necessary; however, it is not mandatory. The selection process is normally as follows:

1. At the time of request for Project Initiation or thereafter, the Executive Director, Commissioner, President, Governing Board or their authorized designee for the Using Agency or Institution requesting the Project, shall submit a list containing at least three (3) Professionals for consideration for the design of the Project. If no list is provided, or a list containing less than three (3) Professionals is provided, the Bureau shall identify additional Professionals for which the Bureau has a current M54 *Architect-Engineer and Related Services Questionnaire* on file until a list of at least three (3) eligible is established.

2. The Bureau shall solicit a letter of interest from each listed Professional, including the Professional's agreement to enter into a Bureau contract for the fee stipulated for this Project if selected and a current M54 *Architect-Engineer and Related Services Questionnaire*, and M55 *Architect-Engineer Related Services for Specific Project Questionnaire* form. The solicitation issued by the Bureau shall identify the scope of work as well as criteria by which selection shall be made. Should one or more identified Professionals fail to furnish a letter of interest, the Using Agency or Institution shall be requested to identify additional potential Professionals or the Bureau will identify additional Professional(s) until a list of three (3) eligible is re-established. For projects where the Bureau determines that scope of services make a fee based upon pre-defined percentage of construction cost impractical or inappropriate, following selection based upon qualifications only, the selected Professional shall be requested to provide a detailed Proposal identifying proposed scope, deliverables, schedule, and cost. The Proposal shall be reviewed by the Bureau and evaluated to determine if services represent a fair and reasonable cost, and if not, the Bureau shall negotiate with the selected Professional until this is achieved. Should negotiations with the most qualified Professional fail to achieve a fair and reasonable cost, the Bureau may negotiate with the next most qualified Professional or restart the selection process.

3. Selection: A Selection Committee, composed of the following voting members, may, at its discretion, choose to select the Professional directly from the list of eligibles without benefit of in-person interviews, or they may hold separate in-person interview with each Professional on the list of eligibles:
    a. Director of the Bureau of Building, Grounds and Real Property Management
    b. Assistant Director of the Bureau of Building, Grounds and Real Property Management
    c. Construction Manager of the Bureau of Building, Grounds and Real Property Management or one (1) other staff member of the Bureau.
    d. One (1) from the Institution, Agency, Department or Governing Board.

4. Voting: A minimum of three (3) Selection Committee members constitute a quorum; and if for any reason a tie vote results, the Director of the Bureau of Building will decide between the two (2) Professionals receiving the most votes based solely upon the scoring criteria identified in the solicitation.

5. Omitting In-Person Interviews: If the in-person interview process is omitted, one of the following shall take place prior to selection:
    a. Each eligible Professional shall be interviewed over the phone by the Selection Committee.
    b. The Bureau Director shall waive interviews based on the sufficiency of information submitted and previous performance of Professionals under consideration and proceed directly to voting.

6. Motion to Reconsider: The Director of the Bureau may, at his discretion, rule that the Selection Committee's decision will be held on a *motion to reconsider* and reconvene the Selection Committee normally within five (5) working days after the Selection Committee's initial decision. At this reconvened meeting, the Committee may allow the first vote to *stand*, or the Committee may *throw it out* and take another vote.

7. Emergency Project: Where project is initiated to address emergency repairs, preceding process will not be followed, and selection of Professional will be made based upon recommendation of the Director of the Bureau.

8. Continuation Project: Where project is initiated as a continuation of a previous appointment for a directly related Bureau administered project, preceding process will not be followed, and selection of Professional will be made based upon recommendation of the Director of the Bureau.

9. Adoption Project: Where project is initiated as a continuation of a previous appointment for a project administered by an Institution, Agency or Department, preceding process may not be followed if initial selection process used by Institution, Agency or Department was done using a similar qualifications-based selection process.

The interviews, if held, are open to other representatives of the Institution, Agency or Department; however, they will not participate in the selection voting. The Bureau of Building, Grounds and Real Property Management is responsible for establishing any evaluation criteria when needed for each submission. This may change according to Project need.

B. PROJECTS MORE THAN $3,000,000

Note: The following procedure does not apply to "emergency" projects that meet Codes 31-7-1 and 37-7-13. (Note added Dec 2013 SoS)
Unless a project has been declared an emergency, projects with more than an initial project budget of $3,000,000 must follow the professional selection process outlined below:

1. Project Initiation: After a Project has been initiated by the Bureau, the need for professional services for the Project will be made public. The Request for Qualifications for Professional Services shall include numerical scoring criteria for both short list and final selection, fee type, project scope, and submission requirements for consideration. The method of announcement will be one, or more, of the following:
    a. Posting on the Bureau website
    b. Mass e-mail to entities with a current *M54 Architect-Engineer and Related Services Questionnaire* on file
    c. Publication in a professional society publication or website
    d. Direct mail-out to entities with a current *M54 Architect-Engineer and Related Services Questionnaire* on file
    e. Advertisement in regular statewide newspaper

2. Response: Any individual, firm or corporation desiring to respond to the publication and provide Professional services for a Project must give the Bureau written notification of interest. This response must be received at the Bureau's office on, or before, the date established in the public notice. The response is to be as follows:
    a. Yearly: In order to be considered for any current project, individuals, firms and corporations should have on file a current Bureau of Building's *M54 Architect-Engineer and Related Services Questionnaire*. [See Appendix 400.] A brochure from the firm or corporation may be included, if desired. This file will be updated in March of each year.
    b. Specific Project: Any individual, firm, or corporation desiring to provide professional services for a specific project must respond to the public notice by writing a letter indicating interest. A separate letter for each Project is required. General letters listing more than one (1) Project will not be considered. Any additional required submissions, other than the letter indicating project interest, will be listed in the public notice. In most cases, additional data will be required such as a M55 Architect-Engineer Related Services for Specific Project Questionnaire form [See Appendix 400] or the submission of the complete design team including structural, asbestos, mechanical and electrical consultants. Joint ventures of professionals are acceptable and the responsibilities of all parties involved should be stated in the letter of interest.
    c. For projects where the Bureau determines that scope of services make a fee based upon pre-defined percentage of construction cost impractical or inappropriate, this will be clearly indicated in the announcement of need for professional services. Following selection based upon qualifications only, the selected Professional will be requested to provide a detailed Proposal identifying proposed scope, deliverables, schedule, and cost. The Proposal shall be reviewed by the Bureau and evaluated to determine if services represent a fair and reasonable cost, and if not, the Bureau shall negotiate with the selected Professional until this is achieved. Should negotiations with most qualified Professional fail to achieve a fair and reasonable cost, the Bureau may negotiate with the next most qualified Professional or restart selection process.

3. Short List: A Pre-selection Committee will review all letters of interest and related data or information submitted. The Committee selects from all the submissions a *short list* for consideration. The *short list* must have at least three (3) names unless fewer than three (3) are received, in which case all submissions will be considered. The Pre-selection Committee is composed of the following representatives:
    a. Two (2) from the Institution, Agency, ~~or~~ Department or Governing Board
    b. Director of the Bureau of Building, Grounds and Real Property Management
    c. Assistant Director of the Bureau of Building, Grounds and Real Property
    d. Construction Manager of the Bureau of Building, Grounds and Real Property Management or one (1) other staff member of the Bureau

4. Attendance: A minimum of three (3) Pre-selection Committee members constitute a quorum for the pre-selection process. The Deputy Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management may elect to substitute for any voting member of the Pre-selection Committee previously noted in 3.c or 3.d. The Bureau of Building staff members are responsible for eliminating all submissions not meeting the project qualifications prior to the Pre-selection Committee's meeting. This pre-selection process may be handled by committee meeting, conference call, or a telephone poll.

5. Notification: After a *short list* has been established by the Pre-selection Committee, those selected for interviews will be notified by the Bureau.

6. Selection: The Selection Committee composed of the following voting members, may, at its sole discretion, choose to select the Professional directly from the *short list* without benefit of in-person interviews, or they may hold separate in-person interviews with each Professional on the *short list*:
    a. Two (2) from the Institution, Agency, Department or Governing Board
    b. Director of the Bureau of Building, Grounds and Real Property Management
    c. Assistant Director of the Bureau of Building, Grounds and Real Property Management
    d. Construction Manager of the Bureau of Building, Grounds and Real Property Management or one (1) other staff member of the Bureau.

7. Voting: A minimum of three (3) Selection Committee members must be present; and if for any reason a tie vote results, the Director of the Bureau of Building will decide between the two (2) Professionals receiving the most votes based solely upon the scoring criteria identified in the solicitation. The Deputy Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management may elect to substitute for any voting member of the Pre-selection Committee previously noted in 6.c or 6.d.

8. Delegation of Vote: Any voting member of the Selection Committee previously noted in 6.a, 6.b, ~~or~~ 6.c or 6d, may designate another party to cast their vote. This Designee may be a representative of a local or non-traditional public entity, or a party having a special expertise regarding the area in which the facility will serve. The Selection Committee Member will request the records of the proceedings state their vote has been designated and indicate the Designee.

9. Omitting Interviews: If the in-person interview process is omitted, the following shall take one of the following shall take place prior to selection:
    a. Each *short list* Professional will be interviewed over the phone by the Selection Committee.
    b. The Bureau Director ~~will~~ shall waive interviews based on the sufficiency of information submitted and previous performance of the firms under consideration and proceed directly to voting.

10. Motion to Reconsider: The Director of the Bureau may, at his discretion, rule that the Selection Committee's decision will be held on a *motion to reconsider* and reconvene the Selection Committee normally within five (5) working days after the Selection Committee's initial decision. At this reconvened meeting, the Committee may allow the first vote to *stand*, or the Committee may *throw it out* and take another vote.

11. Emergency Project: Where project is initiated to address emergency repairs, preceding process will not be followed, and selection of Professional will be by the Director of the Bureau.

12. Continuation Project: Where project is initiated as a continuation of a previous appointment for a directly related Bureau administered project, preceding process will not be followed, and selection of Professional will be made based upon recommendation of the Director of the Bureau.

13. Adoption Project: Where project is initiated as a continuation of a previous appointment for a project administered by an Institution, Agency or Department, preceding process may not be followed if initial selection process used by Institution, Agency or Department was done using a similar qualifications-based selection process.

The interviews, if held, are open to other representatives of the Institution, Agency or Department; however, they will not participate in the selection voting. The Bureau of Building, Grounds and Real Property Management is responsible for establishing any evaluation criteria when needed for each submission. This may change according to Project need.

C. **PROFESSIONAL REVIEW**

The Professional's performance will be evaluated twice during the lifespan of the Project. The review will be performed by the Using Agency, Bureau Staff and the Bureau Director. The first review will be upon the award of a construction Contract, or upon abandoning the Project. The second review will be at the completion of the construction Contract. [See **Appendix 400**.] The Bureau Staff will be responsible for initiating the evaluation.

The Using Agency and Professional may obtain results of the evaluation upon written request. In addition, the evaluations regarding past performances may be consider when the Professional is being interviewed for future work with the Bureau.

REIMBURSEMENT POLICY

400.7
REIMBURSEMENT TO A USING AGENCY

When a Using Agency serves as the Professional or the Contractor on an *in house* Project, reimbursements may be made for, but not limited to, the following:

1. Materials (Construction, only)
2. Furniture
3. Equipment
4. Labor (Non-Agency Personnel)

The Bureau will not reimburse Using Agencies for, but not limited to, the following:

1. Expendable items
2. Commodities
3. Restocking of materials and equipment in the Using Agency's warehouse
4. Labor regularly employed by the Using Agency (especially, staff, faculty and maintenance employees)
5. Vehicular expenses
6. Travel expenses
7. Tools

The Bureau reserves the right to review each request for reimbursement and approve or reject any portion or all of the request. Each request must be submitted separately on the *Standard Reimbursement Form* [See **Appendix 400**.] with supporting data attached. Submissions should include one (1) original and one (1) copy. Omission of the original or any of the copies will result in rejection of the request. Failure to complete the form will result in the return of the form. (modified Jan 2015 orig & 4 to orig & 1 copy)

The Using Agencies should request reimbursement(s) in increments larger than $1,000.00.

400.8
REIMBURSEMENT TO A PROFESSIONAL

During the course of a Project, the Professional shall reimburse for expenses outlined in the *Standard Form of Agreement Between the Owner and the Professional*. These reimbursements may be made for, but not limited to: topographical information; subsurface conditions; asbestos and/or hazardous material inspection/sampling testing; printing Contract Documents; renderings and/or models; permanent reproducible transparencies; final independent air clearance tests. A separate invoice on each item shall be submitted when requesting reimbursement(s). The Professional shall not be reimbursed for any travel or living expense incurred personally, by Associates and/or Consultants. In addition, all requests for reimbursement must be received with or prior to the final request for payment.

PROFESSIONAL CONTRACT REVIEW and APPROVAL PROCEDURES

400.9
THE PROCEDURES (modified August 2016)

In 1994, the Legislature authorized the Department of Finance and Administration through the Bureau of Building, Grounds and Real Property Management to review and preapprove all architectural or engineering service contracts entered into by any state entity (agency, institution, commission, or board) to defray the costs of construction or renovation projects for which services are to be obtained. (Code 31-11-3(7))

Exceptions are:

1. **Institutions of Higher Learning**: Any projects funded from self-generated funds.
   a. However, DFA should have the authority to obtain annual information on all building, construction and renovation projects including duties, responsibilities and costs of any architect or engineer hired by IHL.
2. **Community & Junior Colleges**: Any projects funded from local funds or other non-state sources which are outside DFA's appropriations or as directed by the Legislature.
3. **State Military Department**: Any projects funded from federal funds or other non-state sources.

The following procedures have been developed by the Bureau in order to review and preapprove all architectural or engineering service contracts entered into by any state entity as authorized by state law in 1994. [**Mississippi Code, 1972 Annotated**, Section 31-11-3(7)]

* Definitions
* Inclusions
* Exclusions
* Submission Procedure
* Contract Forms
* Approval
* Disapproval
* Contract Changes
* Effective Date

A. **Definitions**:

1. **Contracts**: Contracts entered into by a Using Agency for architectural and/or engineering services which provide professional design and construction administration.

2. **State Funds**: Any monies appropriated and authorized by the Mississippi Legislature; such as, general funds, grants, gifts, fees, federal, or bonds.

3. **Self-generated Funds**: Any monies received by a Using Agency whose amount, authorization and/or origin are not enumerated by legislative action.

4. **Local Funds**: Any monies resulting from the action of cities, counties or districts; such as, general funds, grants, gifts, fees, federal or bonds.

B. **Inclusions:** If State funds support part, or all, of the Project, the Project's Professional Contract shall be submitted to the Bureau for review and preapproval.

C. **Exclusions:** If one or more of the following conditions are met, the Project's Professional Contract shall not be submitted to the Bureau for review and preapproval:
   1. Institutions of Higher Learning projects supported entirely by local funds or other non-state sources.
   2. City, municipality, school districts, or county projects supported entirely by local or self-generated funds.

3. Community and Junior College projects supported entirely by local funds or other non-state sources.
4. All State of Mississippi Military Department projects funded fully or partially by federal funds or non-state sources; however, any Projects funded entirely by State appropriations will be submitted.
5. All Department of Transportation projects and State-Aid Road Projects.
6. All Department of Environmental Quality projects, except building construction projects. Engineering contracts dealing with environmental quality aspects shall not be submitted.
7. All Projects resulting from Title 37, Chapter 47 of the Mississippi Code 1972, Annotated (State Aid for Construction of School Facilities).

D. **Submission Procedure:** One (1) copy of the unsigned, proposed Professional Contract (no original), along with all source selection documentation, shall be submitted prior to signing by the Owner to the Bureau at the following address:

Attention: Professional Contract Review
Bureau of Building, Grounds and Real Property Management
501 North West Street, Suite 1401B
Woolfolk Building
Jackson, MS 39201
Phone: 601/359-3621 Fax: 601/359-2470

Electronic submissions are acceptable. Complete and submit with a copy of the Professional's Contract, the *Professional Contract Review Form*. [See Appendix 400.] This Form will expedite the process and also serve as the approval response from the Bureau. Allow at least ten (10) working days for processing or longer if non-Bureau standard forms of contract are utilized. After execution of the Professional's Contract a signed copy should be uploaded to Transparency via MAGIC for recording, auditing and reporting purposes.

E. **Contract Forms:** Bureau standard forms of contract are required unless specifically waived by the Bureau. Contract forms should be filled out to the extent possible (less signatures) clearly indicating proposed scope, fee classification and schedule of performance. Where form of Contract is to be Using Agency Special Professional Proposal Contract, also attach Professional's Proposal, justification for why a fee based upon pre-defined percentage of construction cost is impractical or inappropriate, and documentation of cost evaluation including any negotiations conducted to determine a fair and reasonable cost has been achieved.

F. **Approval:** If approved, the Bureau will return the Professional Contract Review Form to the Institution/Agency/Department. The Institution/Agency Department should attach a copy of this form to Contract in MAGIC if applicable.

G. **Disapproval:** It is not the intent of the Bureau to dictate all contractual conditions, but will disapprove submissions if any of the following are present:
   a. Unusual supplementary conditions which are not normally included in a Professional Contract.
   b. Provisions which impose unfair conditions on either the Owner or the Professional.
   c. Fees which are excessively high, or low, as related to the normal fees necessary to provide quality services for the particular type project.

d. Bureau Staff will examine additional services closely and may request additional information and justification for its inclusion. Fee charges for additional services will be of particular interest.
e. Contract forms which are not suitable for Project requirements.
f. Failure to comply with source selection requirement.

H. **Contract Changes:** Any changes to the Contract terms and/or conditions after execution should be submitted in the same manner required for initial preapproval. Changes to Contract that are in accordance with initial terms and/or conditions of Contract (ie: Change Orders) do not require re-submittal for preapproval prior to execution.

I. **Effective Date:** Any Professional Contract entered into from and after July 1, 1994 shall be submitted to the Bureau for approval.

J. **Source Selection:** Source selection shall be competitive and qualifications-based, consistent with Section 400.6 PROFESSIONAL SELECTION POLICY used for projects administered by the Bureau of Building, Grounds and Real Property Management as modified:
a. Projects Less Than $3,000,000: Using Agency/Institution, not Bureau, would identify and form a Selection Committee to evaluate a list of three (3) eligible Professionals. Names and positions of the Selection Committee along with selection criteria, signed, dated ballots and tally documenting selection process must be submitted with *Professional Contract Review Form.*
b. Projects More Than $3,000,000: Using Agency/Institution, not Bureau, would solicit Request for Qualifications for professional selection and form Pre-Selection and Selection Committees to establish short list and select Professional. Names and positions of the Pre-Selection and Selection Committees along with Request for Qualifications, selection criteria, signed, dated ballots and tally documenting selection process must be submitted with *Professional Contract Review Form.*

INFORMATION SYSTEMS POLICY

400.10 (added 1/25/01)
THE POLICY

In an attempt to standardize and coordinate the responsibility for communication systems to serve State-owned facilities, the Bureau of Building, Grounds and Real Property Management (B0B), as the Owner, has set forth the following policy for site and building communication systems. The following guidelines delineate the Bureau's Information Systems Policy and related forms.

Information Systems Policy Elements
* Information Technology Service (ITS)
* Long Range Plan
* Project Initiation
* Planning/Construction/Inspection Options
* Construction Coordination
* Fees
* Total Project Budget
* Change Orders
* Forms/Samples

A. **ABBREVIATIONS**

BOB *Bureau of Building, Grounds and Real Property Management*
UA **Using Agency**
ITS **Information Technology Service**
SAF **Standard Approval Form - Bureau of Building, Grounds and Real Property Management**
PPRB **Public Procurement Review Board**
GS **General Services**

1. **INFORMATION TECHNOLOGY SERVICE (ITS)**

1. ITS is the State Agency established by law responsible for the design and construction of communication systems including telephone and data systems in State-owned facilities. ITS has produced a Procurement Handbook which is

available on the internet at www.its.state.ms.us for the use and information of the various Using Agencies (UA).

2. **LONG RANGE INFORMATION PLAN**

1. ITS requires the UA to have on file in the ITS Office a current up-to-date long range plan.

3. **BOB COMMUNICATIONS PROJECT INITIATION - STANDARD APPROVAL FORM (SAF)**

At an appropriate time in an on-going building project, usually at the Schematic Design Phase, the BOB will initiate, as required, a communications project which expands the scope of the related building project to include voice and data systems (communications). The intent is to initiate an accompanying communications project applicable to the building project.

i.e. GS# 100-100 New Building
GS# 100-101 Communications/New Building

Some projects may not require the initiation of a new project and the scope-of-work for communications may be included in the initial building project. Options are outlined in Paragraph E.

ITS will be listed on all communications projects as the Professional.

4. PLANNING/CONSTRUCTION/INSPECTION OPTIONS

1. OPTION 1: ITS INVOLVEMENT IN THE PROJECT

(1) This option requires a CP-28 ITS Procurement Request Form to be prepared, executed and submitted/transmitted to ITS by the BOB.

In order to prepare this CP-28, the BOB requests the UA's letter outlining:

(1) Scope-of-Work: Detail project requirements, special equipment, fixture count, fixture locations and related data outlining the work to be accomplished.
(2) Schedule: Communications contract time frame - when will completed building be put into use and systems required to operate.
(3) UA Contact Person: The person at the UA who is responsible for making communications decisions and who is most familiar with the project.
(4) Funds: Indicate source of funds - bond fund, outside funds and/or other funds available, which will establish a beginning budget.

This UA letter will become an attachment to the submitted CP-28 as prepared by the BOB and executed by the BOB Director. The budget and schedule must be recorded.

The Bureau of Building will submit the completed CP-28 to ITS. Copies will be furnished to the UA and other Project Professionals.

ITS will define whether the UA is an Operational Customer or Support Services Customer. Operational Customers receive detail services and continuing service, maintenance, procurement and billing services from ITS. Support Service Customers receive limited services from ITS following the completion of the CP-1 scope-of-work.
With the UA, ITS will define and coordinate the requirements, systems, scopes-of-work, budgets, time schedules and other coordination requirements for the on-going building project.

Following the submitted CP-28, ITS will initiate a CP-1 Acquisition Approval Form and transmit to the BOB. An estimated communication's contract time should be included. This CP-1 will become the basis of an award of a public contract by the Public Procurement Review Board (PPRB). Notice of PPRB acceptance of the CP-1 will be forwarded to ITS, UA and other Project Professionals. ITS will issue the Communication Contractor's Notice to Proceed and include an estimated contract time and Contractor billing procedures, including invoice and pay application routing. By submitting the CP-1, ITS indicates the required coordination with the Building Professional has been accomplished.

The design and construction of communications work can then begin and proceed as designed, directed, authorized, coordinated, inspected and approved by ITS.

When there are multiple prime Contractors on the same building project (Building Contractor and Communications Contractor), coordination and cooperation are very important. Communications Contractor coordination is the responsibility of ITS - compliance with the CP-1 and/or contracts. Any required Communication Contractor coordination or ITS coordination with the Building Contractor should be the responsibility of the project's Architect/Engineer - the Building Professional.

Certain useful "tools" are a part of the Building Contractor's contract. These tools include:

(1) Pre-Design Conference
(2) Scheduled Schematic Document Reviews, Design Development Document Reviews and Contract Document Reviews
(3) Pre-Bid Conference
(4) Pre-Construction Conference
(5) Monthly Construction Progress Meetings
(6) Construction Schedules
(7) Monthly Applications for Payment.

Any or all of these "tools" may be used to increase Contractor/Professional coordination and cooperation on the building project.

(b) SUMMARY: ITS INVOLVEMENT IN THE PROJECT:

(1) Project Initiation - GS# on SAF - by BOB. ITS is communications Professional. Copy to ITS, Project Professional and UA.
(2) Letter - UA to BOB outlining scope-of-work, budget, schedule and contact person.
(3) Preparation of CP-28 by BOB. Copy to UA and Project Professionals.
(4) Scope and Budget Outline - ITS to BOB for BOB and UA approval. Copy of approved to Project Professionals.
(5) CP-1 from ITS to BOB-coordination with Building Professional accomplished. Copy to UA and Project Professional.
(6) PPRB approval of CP-1. Copy to UA, Project Professional and ITS.
(7) Notice to Proceed to Communications Contractor issued by ITS. Estimated contract time and billing procedures/route included. Copy to BOB, UA and Project Professional.
(8) Review of project budget by BOB. Approval required. Copy of approval to ITS, UA and Project Professionals.
(9) Design and construction of communications project by ITS. Communications contract coordinated with ITS and UA and with Building Professional as required. Building Contractor coordination with Building Professional, BOB, UA and ITS as required.
(10) Payment of fees to ITS by BOB from project funds at the BOB - may be bond funds or outside funds deposited by the UA at the BOB.
(11) Payment for construction to Communications Contractor by BOB after approved by ITS. May be bond funds or outside funds deposited by the UA at the BOB.
(12) Any Change Orders approved by BOB and UA prior to any work at project site. Acceptance to communications project by BOB as recommended by ITS.
(13) Acceptance of total project as recommended by project Building Professional.

5. OPTION 2: NO ITS INVOLVEMENT IN THE PROJECT:

(1) Pre-established exemptions are outlined in Chapters 5, 6, and 7, ITS Procurement Handbook including:

(1) State Agencies: Exempt for proposed installations including acquisitions of equipment, materials and labor from $0 to $10,000 in value.

(2) IHL-Institutions of Higher Learning: Exempt for proposed installations including acquisitions of equipment, materials and labor from $0 to $50,000 in value.

(3) Community Colleges: Exempt for proposed installations including acquisitions of equipment, materials and labor from $0 to $50,000 in value.

(2) This option requires an approved CP-5 Request for Exemption. The CP-5 is prepared by the UA and forwarded to ITS by the UA. Copies to BOB and project Building Professional.

ITS will review and respond by approving or disapproving the CP-5. A copy of this response should be forwarded to BOB and project Building Professional by the UA.

With the approved CP-5, the UA may then request the project Building Professional to include the desired scope-of-work in the planning and construction process. Before Building Professional includes the scope-of-work in the construction contract, the BOB and the UA must approve scope. This cope-of-work is usually bid as a part of the construction contract or may be a separate contract depending upon the estimated cost and the construction schedule as approved by BOB and UA.

(c) SUMMARY: NO ITS INVOLVEMENT IN THE PROJECT:

(1) CP-5 prepared by UA and forwarded to ITS. Copy to BOB and Building Professional by UA.

(2) ITS approval/disapproval CP-5. Copy to BOB and project Building Professional by UA.

(3) Directions to project Building Professional by UA/BOB concerning the scope-of-work to be included in the planning and construction.

(4) Accomplish work authorized by construction contract or separate contracts as approved by BOB and UA. All contracts are approved by PPRB if project funds are used. Work authorized and paid by the UA are separate contracts if no project funds are used.

(5) Acceptance of project by BOB and UA as recommended by project Building Professional.

6. FEES

1. CP-5: Any fees charged by ITS associated with the CP-5 are the responsibility of the UA. These fees will not be paid with project funds at the BOB.

2. CP-28/CP-1: Any fees charged by ITS associated with the CP-28/CP-1 may be included in the project budget and may be paid from project funds at the BOB or other funds transferred to the BOB by the UA. The required fees are listed by ITS on the Scope and Budget Summary and are approved by PPRB.

7. **TOTAL PROJECT BUDGET**

Once established by the CP-1, the contract amount for communications systems work will be included in the TOTAL PROJECT BUDGET - Standard Approval Form - Bureau of Building, Grounds and Real Property Management.

8. **CHANGES**

Any changes to the CP-1-schedule, construction cost and/or scope-of-work, etc., must be approved in advance of any construction work at the site by the BOB and UA. Any changes to ITS SCOPE AND BUDGET OUTLINE must be approved by the BOB.

9. **FORMS / SAMPLES**

(1) CP-28 w/ UA Request Letter attached
(2) ITS Scope and Budget Outline
(3) CP-1
(4) CP-5
(5) PPRB Notice to ITS - Contract Award
(6) ITS Notice to Proceed
(7) ITS Change Order

ITS Procurement Request Form **CP-28**

State Agencies, Universities and Community/Junior Colleges

Please complete the following information and submit to the Department of Information Technology Services (ITS). If you need assistance in completing this form, refer to Chapter 2 of the ITS Procurement Policies and Procedures Handbook.

Mississippi Department of Information Technology Services
301 North Lamar Street, Suite 508 • Jackson, Mississippi 39201-1495
Phone 601-359-1395 • Fax 601-354-6016

Name/Title:	**Phone:**	**Fax:**
Agency/Institution:	**Department:**	
Address: (Handmail ☐ Yes ☐ No) (Mailing List update? ☐ Yes ☐ No – If yes, attach the CP-3 Mailing List Update Form to this request.)	**Building Location of items requested:**	
	SAAS Provider Code:	
	SAAS Agency Code:	
	Long Range Plan Number(s):	

Quantity, Name, and Description of Items Requested:
(Itemize each product requested. If more space is needed, summarize the acquisition here and itemize in an attachment.)

Fiscal Year	Fund Number	% State Funding	Estimated Initial/Ongoing Costs	Acquisition Method(s)

Is funding definite? ☐ Yes ☐ No **When do funds expire?**

Impact on State Computer Center? ☐ Yes ☐ No If yes, please explain in your attached information.

Detailed Information (Please attach detailed information covering the following aspects of this acquisition):

- Background; Applications; and Alternatives considered
- Evaluation and Cost Effectiveness of Alternatives Selected
- Functional Specifications; Selection Criteria
- Brand-specific requirements; Vendor literature; Vendors contacted

There is a charges for ITS procurement services associated with this request which will be billed to the requestor by ITS. Also, if proposals must be solicited for this request, the requestor is responsible for advertising costs and will be billed by ITS. By my signature I acknowledge that my agency/institution is responsible for these charges/costs.

_____ _____
Name (Agency Head / Institution President) Title Signature Date

Use this form to request an exemption from ITS. See Chapter 4 of the ITS Procurement Handbook for additional information regarding this form.

Mississippi Department of Information Technology Services
301 North Lamar Street, Suite 508 • Jackson, Mississippi 39201-1495
Phone 601-359-1395 • Fax 601-354-6016

Name/Title:	**Phone:**	**Fax:**
Agency/Institution:	**Department:**	
Address: (Handmail ☐ Yes ☐ No)	**Provider Code for ITS billing:**_____ (If different from established default agency/institution Provider code)	
	Agency Fund Number:_____	
Vendors Contacted: (Use attachment if necessary)	**Proposed Effective Through Date:** Exemption should be effective through this date:_____. Please allow time for all expended invoices to be paid by this date.	
Quantity, Name, and Description of Items: (Itemize each product requested for exemption. If more space is needed, summarize the acquisition here and itemize in an attachment)		
Background/Application/Alternatives: (Use attachment if necessary)		

Fiscal Year	Fund Number (s)	% State Funding	Maximum Costs	Acquisition Method (s)

There is a charge for ITS procurement services associated with this request which will be billed to the requestor by ITS. By my signature I acknowledge that my agency/institution is responsible for these charges/costs.

_____ _____
Name (Agency Head / Institution President) Title Signature Date

ITS USE

☐ Exemption up to $_____ Project #_____

☐ Does not require ITS approval Consultant_____

_____ _____
ITS Authorized Signature Date Effective through date

Revised: 05/01/199

Section 400: Codes and Policies

Sample
Scope/Budget Outline

This is not to exceed project estimate to be used for budgetary purposes. True costs will be detailed and communicated to the Bureau of Building as the project progresses.

Equipment of Work Description	Expenditure Document	Not to Exceed Cost Estimate
1) Remote Lucent G3 cabinet, electronic circuit packs, and 204 digital sets **Includes equipment/installation**	CP1	$501,000.00
2) Cable System-voice and data connectivity material *1,020 data category 5 cables @ $160.00/cable data cables tested @ 100 Mbs 1020 telephones cables @ $90.00/cable **Includes material/labor**	CP1 ITS Service Invoice	$275,000.00
*MSDH may opt to facilitate data cable installation outside of this cost estimate.		
3) Remainder of infrastructure fiber/copper redundant cabling **Includes material/labor**	CP1*	$ 55,000.00
*ITS assumes this will be installed via our General RFP/RFQ process.		
4) Telephone sets: 200 Panasonic sets **Includes equipment**	ITS Invoice	$ 11,204.00
5) G3 programming charges **Includes telephone system/set programming**	ITS Invoice	$ 22,950.00
6) Misc. equipment/material (i.e., blue boards/66 blocks/riser cable/misc.)	ITS Invoice	$ 5,000.00
7) BellSouth Trunking: 48 OGO;s; 48 DID's; 48 DCS/Tie connections (Inbound/outbound trunking installation) **Includes material/labor**	BellSouth Invoice	$ 28,000.00
	Total Estimated Cost	$898,154.00

Form CP-1 **CP-1 Acquisition Approval Form** Page 1
Effective Date:: 10/05/1998 **Dept. of Information Technology Services** CP-1
Expiration Date: 04/03/1999 **301 North Lamar Street, Suite 508** Approval Number_____
Jackson, MS 39201-1495
Date Printed: 10/06/1998 **(601) 359-1395** Acquisition Method: PURCHASE/1-TIME

This is your authorization from ITS to issue a purchase order and/or make ongoing payments for the following configuration to the vendor listed at the prices itemized. Contracts, if any, have been signed by ITS and forwarded to the vendor. This procurement is contingent upon availability of funds and will not become final until vendor has received a purchase order from your agency. Keep this form with your financial records to provide an audit trail of ITS approval. Reference the CP-1 number and dates covered by the payment on each copy of your purchase order. Contact ITS for revised approval if: vendor or acquisition plan changes; there are major changes to the configuration; CP-1 has expired; or the total expended amount exceeds the CP-1 Life cycle limit. It is important to issue your purchase order number promptly upon receipt of this CP-1 because the

vendor is not required to honor pricing indefinitely. The CP-1 may contain an expiration date which the vendor will honor pricing, in order to allow sufficient time to complete paperwork.

FIN. & ADMIN. - BUREAU OF BUILDING ATTN: MR. BURTON SPENCER 501 NORTH WEST STREET, SUITE 1401B JACKSON MS 39201 HANDMAIL Location/Use information: EMCC GC# 204-033	PLACE ORDER TO: UPCHURCH TELECOM AND DATA INC P O BOX 301 GREENWOOD MS 38935-0301 MAKE PAYMENTS TO: UPCHURCH TELECOM AND DATA INC P O BOX 301 GREENWOOD MS 39835-0301

FUND NUMBER(S)	SAAS AGCY CODE	MAX ANNUAL LIFEYCLE	CP1	RFP NO(S) SOLE SOURCE/RFP NOT RQD		REV N	DIVISION DP
392R		% INCREASE 0.00 %	LIMIT 12449.66				
	SAAS VENDOR V0001141090		1 PAYMENT	PRNO DAR-30341-3	ATHY D	DATE ISSUED 10/06/1998	

DESCRIPTION OF USE:
INCREASE CAPACITY TO THE MAYHEW CAMPUS PBX TO ACCOMMODATE NEW TECHNOLOGY CENTER.

COMMENTS/SPECIAL INSTRUCTIONS:
THIS EQUIPMENT ADD IS BEING PERFORMED BY VENDOR THAT CURRENTLY HAS MAINTENANCE CONTRACT.

QTY	PRODUCTS	EACH RETAIL	EACH NET	EXTENDED NET	MIN CODE	SAAS COMMODITY CODES:
1	NEC 1400 CAPACITY INCREASE ONE TIME		12,326.40	12,326.40 _____ 12,326.40	162	72557000000

.....End of CP-1.....

APPROVED ITS DATE: 10/06/1998	DISTRIBUTION TO: FILE: DAR30341 DFA/FCD

Need PPRB Notice of Award approval to ITS

Need ITS Notice to Proceed

SUSTAINABILITY

400.11 (added 7/18/08; modified Jan 2015 400.11 & 400.11.C & 400.11.D)

SUSTAINABILITY POLICY
Sustainable design seeks to reduce negative impacts on the environment and optimize use of non-renewable resources. In order to optimize site potential, conserve water, minimize energy consumption, promote use of local and environmentally preferable products, the Bureau has set forth the following policy for sustainable design for state-funded buildings throughout the state, in accordance with Code Section 31-11-35.

A. **SITE ISSUES**

1. Development of inappropriate sites shall be avoided where possible.
2. Repair and renovation of existing facilities and/or expansion/redevelopment of currently developed sites shall be given preference to development of virgin sites.
3. Development of sites shall be executed with the goal of maximizing open and/or vegetative space and minimizing heat islands.

    (a) Solar Reflectance Index for paving and roofing materials shall be a consideration for product selection.
    (b) Inclusion of trees in parking lot designs which will provide shade within five (5) years of occupancy shall be a consideration.

B. **WATER EFFICIENCY**

1. Specification of indigenous and/or drought resistant plants shall be considered to reduce dependence on potable water irrigation systems.
2. High efficiency plumbing fixtures shall be specified where feasible. Waterless fixtures are not required or preferred.

C. **ENERGY PERFORMANCE**

1. Each major facility project shall be designed and constructed to meet or exceed the baseline requirements of the ASHRAE 90.1-2010 or any more stringent Code edition [See **400.1**] adopted by the Department of Finance and Administration/Bureau of Building, Grounds and Real Property Management. [Code Section 31-11-35] For the purposes of this requirement, a major facility project is defined as:

    (a) From July 1 through December 31, 2009, any new construction project larger than twenty thousand (20,000) gross square feet
    (b) From January 1, 2010, through December 31, 2010, any new construction project larger than fifteen thousand (15,000) gross square feet
    (c) From January 1, 2011, through December 31, 2011, any new construction project larger than ten thousand (10,000) gross square feet
    (d) From January 1, 2012, and thereafter, any new construction project larger than five thousand (5,000) gross square feet
    (e) Any repair and renovation project which involves more than fifty percent (50%) of the replacement value of the facility where compliance is cost-effective and practical.

2. Exempt from this requirement are any major facility projects which do not have conditioned space as defined by ASHRAE 90.1. [Code Section 31-11-35]

3. Where compliance of an otherwise applicable repair and renovation project is deemed to be either not cost-effective or not practical, such determination, including written justification shall be recorded in the Minutes of the Board of the Governing Authority (for Bureau of Building, et al, projects, documentation shall be via Standard Approval Form).
4. All major facility projects shall be commissioned by a Commissioning Authority Professional independent of the Prime Professional for the project to assure that all energy related systems are installed, calibrated and perform according to project requirements and the Contract Documents. The Commissioning Authority Professional (individual and firm) shall be registered to practice engineering in the State of Mississippi and shall be either certified by the Building Commissioning Association as a certified commissioning professional and/or accredited by the University of Wisconsin-Madison as a commissioning process provider.

D. **PRODUCT SELECTION**

1. Where materials, finishes, furnishings, and other products made in or incorporating materials produced in Mississippi meet project requirements, the Professional shall include such products in the specifications. [Code Section 31-11-35(b)]

    (a) Where both Mississippi manufactured products and non-Mississippi manufactured products are identified as equals, product origin shall not constitute a bid preference.
    (b) Where only one Mississippi product meets project requirements, this shall not justify single source exception from bidding requirements. [**Mississippi Code 1972, Annotated,** Sec.31-7-13-m(viii)]
    (c) A listing of Mississippi manufacturers is available from the Mississippi Development Authority www.mississippi.org

2. Where materials, finishes, furnishings, and other products with recycled content are available, are cost-effective and meet project requirements, Professional shall consider specifying these products over comparable products without recycled content.

    (a) Where both recycled content products and products without recycled content are identified as equals, recycled content shall not constitute a bid preference.
    (b) Where only one manufacturer meets recycled content goal, this shall not justify single source exception from bidding requirements. [**Mississippi Code 1972, Annotated,** Sec.31-7-13-m(viii)]

3. Where materials, finishes, furnishings, and other products with low volatile organic compound emissivity are available, are cost-effective and meet project requirements, Professional shall consider specifying these products over comparable products with higher volatile organic compound emissivity.

    (a) Where both low VOC products and higher VOC products are identified as equals, VOC emissivity shall not constitute a bid preference.
    (b) Where only one manufacturer meets low VOC goal, this shall not justify single source exception from bidding requirements. [**Mississippi Code 1972, Annotated,** Sec.31-7-13-m(viii)]

4. Where materials, finishes, furnishings, and other products containing rapidly renewable materials are available, are cost-effective and meet project requirements, Professional shall consider specifying these products over comparable products without rapidly renewable material content.

    (a) Where both rapidly renewable content products and products without rapidly renewable content are identified as equals, rapidly renewable content shall not constitute a bid preference.
    (b) Where only one manufacturer meets low rapidly renewable content goal, this shall not justify single source exception from bidding requirements. [**Mississippi Code 1972, Annotated,** Sec.31-7-13-m(viii)]

CONTRACTOR PREQUALIFICATION POLICY

400.12 (added June 2013)
THE POLICY

A. MISSISSIPPI LANDMARKS

Contractors for projects . . .*that involves renovation, restoration, or both, of the State Capitol Building or any other historical building designated for at least five (5) years as a Mississippi Landmark by the Board of Trustees of the Department of Archives and History . . . may be made from the lowest and best prequalified bidder . . . .*, as follows: **[Mississippi Code 1972, Annotated,** Section 31-7-13(d)(iii)**]**:

1. **Advertisement for Prequalifications:** Once the Construction Documents have been approved, the Bureau will prepare and issue an *Advertisement for Prequalifications* published in the legal section of a newspaper published in the county or municipality in which such agency or governing authority is located. The Advertisement will run once each week for two (2) consecutive weeks with responses being opened not less than fifteen (15) working days after the last notice is published. The Mississippi Contract Procurement Center, Inc., will also be notified. **[Mississippi Code 1972, Annotated,** Section 31-7-13-c**]**
2. **Request for Prequalifications:** The Request for Prequalifications document, which will identify required documentation to be submitted and criteria for scoring, minimum score required, along with Construction Documents for the Project, will be made available to all interested Contractors. Contact and deposit information will be as identified in the *Advertisement for Prequalifications*.
3. **Response:** Any Contractor desiring to respond to the publication and become prequalified for a Project must give the Bureau written notification of interest. This response must be received at the Bureau's office on, or before, the date established in the public notice. Additional required documentation to establish Contractor's knowledge and experience in historical restoration, preservation and renovation, other than the letter indicating project interest, will be listed in the *Request for Prequalifications* document. Such documentation shall include, but not be limited to, qualifications of the Contractor's key personnel to be assigned to project and those of key entities proposed by Contractor for performance of required preservation trades.
4. **Short List:** A Preselection Committee will review all letters of interest and related data or information submitted. The Committee selects from all the submissions a *short list* for consideration. The *short list* shall consist of all responsive Contractors meeting the minimum score established in the Request for Prequalifications document. The Preselection Committee is composed of the following representatives:
    a. Two (2) staff members of the Mississippi Department of Archives and History
    b. Deputy Executive Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management
    c. Director of the Bureau of Building, Grounds and Real Property Management
    d. Assistant Director of the Bureau of Building, Grounds and Real Property Management
5. **Attendance:** A minimum of four (4) Committee members must be present for the Preselection process. The Bureau of Building, Grounds and Real Property staff members are responsible for eliminating all submissions not meeting the project qualifications prior to the Preselection Committee's meeting. This process may be handled by committee meeting, conference call, or telephone poll.
6. **Notification:** After a *short list* has been established by the Preselection Committee, those selected for interviews will be notified by the Bureau.
7. **Selection:** The Prequalification Committee composed of the following voting members, may choose to prequalify Contractors directly from the *short list* without benefit of interviews, or they may hold separate interview with each Contractor on the *short list*.
    a. Two (2) staff members of the Mississippi Department of Archives and History

b. Deputy Executive Director of the Department of Finance and Administration who is responsible for the Bureau of Building, Grounds and Real Property Management
c. Director of the Bureau of Building, Grounds and Real Property Management
d. Assistant Director of the Bureau of Building, Grounds and Real Property Management

8. **Scoring:** Following interviews, if held, Contractors shall be re-scored. No less than two (2) and no more than five (5) Contractors receiving the highest scores shall be prequalified for bidding of the project.
9. **Interviews:** Interviews, if held, are open to other representatives of the Institution, Agency, or Department for which the project is being administered; however, they will not participate in the scoring.
10. **Delegation of Scoring:** Any scoring member of the Prequalification Committee previously noted in 7a, 7b, or 7c may designate another party to submit their scores. This Designee may be a representative of a local or non-traditional public entity or a party having a special expertise regarding the scope of the project. The Prequalification Committee Member will request that the records of the proceedings state that their scoring has been designated and indicate the Designee.
11. **Omitting Interviews:** If the formal interview process is omitted, one or more of the following should take place prior to selection:
    a. Each short list Contractor will be interviewed over the phone
    b. Each scoring member of the Prequalification Committee will be consulted in person, or by phone, to ascertain their preference
    c. The Bureau Director will waive interviews based on the information at hand plus the performance of the Contractors under consideration.
12. **Motion to Reconsider:** The Director of the Bureau of Building may, at his discretion, rule that the Prequalification Committee's decision will be held on a *motion to reconsider* and reconvene the Prequalification Committee normally within five (5) working days after the Prequalification Committee's decision. At this reconvened meeting, the Prequalification Committee may allow the first vote to *stand*, or the Committee may throw it out and re-score.
13. **Advertisement for Bids:** Once Contractors have been prequalified in accordance with this policy, project will be advertised for bids, from said Prequalified Contractors, in accordance with Code 31-7-13(d)(iii) no earlier than fifteen (15) working days after bidders have been prequalified; and, in accordance with Section 600.37 and Code 31-7-13(c).

Preplanning Procedures

Section 500

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SECTION 500: PREPLANNING PROCEDURES

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500.1
PREPLANNING PHASES

Each funded Project goes through a planning process delineated by the Bureau and stipulated in the Professional's contract as basic services.

The following guidelines have been developed to achieve the preplanning process.

Preplanning Phases
* Program
* Schematic Design
* Legislative Submittal Data

500.2
CONSULTANTS

At the onset of the preplanning process, the Professional and/or Using Agency may request the services of special Consultants who have expertise in particular fields needed for the Project. Requests for Consultants must be made in writing by the Professional and will include the scope of work and the costs for the consulting service(s) if the service(s) is an additional cost to the Bureau beyond that of basic services.

If a Consultant is retained, the Professional will pay any portion of the Consultant's fee that is considered part of basic services and the Consultants will be listed in the Professional's contract with the Bureau and recorded across the Bureau's *Standard Approval Form - Record of Action*. Any change in Consultant status, will need written approval from the Bureau.

In some instances, the Consultant's fee, or a portion thereof, will be considered as an additional fee or service. The Professional will then be reimbursed separately for the Consultant's services. In this instance, the Professional will provide the Bureau a copy of the Consultant's proposal clearly stating the scope, schedule of services, and cost of these special services.

Consulting Services
* Costs which are a part of basic services
* Costs which are in excess of basic services
* Travel related expenses

The Bureau will not approve travel costs as an unknown, open-ended reimbursement, but will require an agreed amount supported by the estimated number of visits which includes time and reasonable costs associated with each visit. Special Consultants are, but not limited to *Program, Structural, Mechanical, Electrical, Asbestos, Furniture and Equipment, Theatrical, Acoustical, Cost Estimate, Kitchen and Landscape.*

500.3
SCHEDULE/TIME

The Professional shall perform the required services as expeditiously, skillfully and consistently as possible in order to have the Work progress in a timely manner. A *Schedule of Performance* may be established in one of the following manners:

1. Upon execution of the *Standard Form of Agreement Between the Owner and the Professional*, the Professional will submit to the Bureau Staff for approval a *Schedule of Performance* which include time allowances for review and approval of submissions by the Bureau and the Using Agency. When the *Schedule* has been approved, it will not - except for reasonable cause - be exceeded or changed by the Professional unless approved by the Bureau.
2. The Professional may be required to submit a *Schedule of Performance* during the interview process, or prior to the execution of the *Agreement Between the Owner and the Professional*. In this instance, the *Schedule* - upon approval - will become a part of the *Agreement* and may not be exceeded or changed unless approved by the Bureau.

An example of the Professional's *Schedule of Performance* as noted in Paragraph 2.2 of the *Agreement Between the Owner and the Professional* is as follows:

.1 Professional services beginning date: *(Date)*
.2 Program Phase: *Number (XX)* days
.3 Schematic Phase: *Number (XX)* days
.4 Design Development Phase: *Number (XX)* days
.5 Construction Document Phase: *Number (XX)* days
.6 Total planning: *Number (XX)* days

500.4
SURVEYS/BORINGS/TESTS

Following the procedures for surveys/borings/tests outlined in Section 400, Professional will be responsible for obtaining all surveys, subsurface reports, miscellaneous tests, engineering data and any other information necessary to develop planning of the Work. The Professional will obtain this information from competent laboratories, licensed engineers and surveyors selected by and responsible to the Professional. The Bureau will approve the cost and selection prior to the work being ordered.

PROGRAM PHASE

500.5 (amended 500.5.7 07/15/08 SOS by adding 400.11)
THE PROGRAM

From time to time, it is necessary to prepare a written Program of the Using Agency's needs prior to the actual planning process. When a Program is required, it will be so stated in the *Standard Form of Agreement Between the Owner and the Professional*. The Program phase must have written approval by the Bureau before proceeding with the Schematic Design Phase.

Initially, the Professional will meet with the Bureau Staff to ascertain general requirements for the Project and will meet with the Using Agency and Bureau Staff to define the Scope, the functional and departmental objectives, relationship of Project to other structures and facilities, and the criteria for site selection.

The Professional will advise the Bureau as to the Project's projected cost and time requirements. The Professional will prepare and submit to the Bureau ten (10) copies of a comprehensive written Program which including the following minimum elements:

1. **Goal**: Design objectives, limitations, and criteria
2. **Site**: Site requirements and analysis including location, boundaries, topography, subsurface, vegetation, utilities, climate, flooding, traffic, noise, and adjacent buildings
3. **Space**: Space requirements and relations including
4. narrative description by area (square footage recommendations)
4. **People**: Number and functional responsibility of personnel
5. **Equipment**: Special equipment and systems
6. **Alterations**: Flexibility and ability to expand
7. **Energy**: Energy and sustainability considerations (400.11)
8. **Existing**: Analysis of existing facilities
9. **Concept**: Summary of Project concept, scope and goal
10. **Budget**: Total Project Budget

Minimum Elements
* Goal
* Site
* Space
* People
* Equipment
* Alterations
* Energy
* Existing Facilities
* Concept
* Budget

The Using Agency will be responsible for preparing a Program of furniture and equipment requirements and estimated costs. The Professional and Bureau Staff will assist the Using Agency, if needed.

After the Using Agency and Professional have received written notification that the Program has been approved, the Professional will proceed with the Schematic Design Phase.

500.6
PROGRAM EXAMPLE

The following is an excellent example of various phases included in a Program phase:

1.0 DOCUMENT PLANNING SITUATION, PROJECT OBJECTIVES, LOCATION AND SCOPE

1.1 Describe conditions leading to need for this two-phase capital renovation project; document existing facilities and project sites, in terms of space available and condition.
1.2 Outline project purpose, design objectives, and proposed occupants. Provide overview of affected administrative functions.
1.3 Define project scope inclusive of size (e.g. renovation area, additional floor area, etc.) and anticipated design, construction and occupancy schedule.
1.4 Defined required interim use of other facilities during the primary renovation.

2.0 DEFINE PROJECT RATIONALE, ANALYZE FUNCTIONAL REQUIREMENTS AND DETERMINE SPACE ALLOCATIONS

2.1 State program and design goals for the proposed project.
2.2 Analyze administrative and functional requirements; define facility and site issues.
2.3 Present staff and other relevant statistical data in support of project need/rationale.
2.4 Determine administrative space requirements for: administrative service areas, open space work areas, group offices, private offices, meetings rooms, and office support facilities, as well as for all other project functions such as ceremonial spaces in the primary building to be renovated.
2.5 Develop listing of spaces to be provided in the renovated facilities.
2.6 Utilize comparative office space standards for the Using Agency, State Government, and other entities.

3.0 PREPARE DETAILED DESCRIPTIONS OF THE SPACES TO BE PROVIDED

3.1 Provide detailed descriptions of each space:
a. Name, function, and type of space
b. Approximate size (NASF)
c. HEGIS space code designation
d. Special design considerations
e. Functional relationships between spaces
3.2 Provide graphic illustrations of desired relationships among all major spaces of the project.

4.0 DEFINE DESIGN CRITERIA AND SPECIFIC PROJECT CONSIDERATIONS

4.1 Prepare listing of general architectural design considerations for the project, including standard items specified by the Using Agency.
4.2 Prepare statement of special design considerations, including site issues that are unique to this project:
a. Project sequencing and schedule constraints
b. Required demolition
c. Project limits
d. Energy goals
e. Landscaping or site development requirements
f. Special utility requirements/interfaces

5.0 PROVIDE LIMITED STAFF TIME FOR PROJECT REVIEWS AND REVISIONS

5.1 Submit program document to the Bureau of Building, Grounds and Real Property Management and the Using Agency for reviews and revisions prior to general distribution.
5.2 Reserve two (2) work days for attendance/participation in review meetings and for accomplishing necessary document revisions at each of the two progress milestones.

SCHEMATIC DESIGN PHASE

500.7
SCOPE DEFINITION

If the Professional has not been provided with a Program (as described in Section 400), or one has not been developed, the Professional will prepare and submit to the Bureau four (4) copies of a comprehensive written document detailing the Project's Scope which includes the following minimum elements:

1. General: General statement of work to be accomplished
2. Goal: Design objectives, limitations, and criteria
3. Space: Space requirements and relations including narrative description by area (square footage recommendations)
4. People: Number and functional responsibility of personnel
5. Equipment: Special equipment and systems
6. Concept: Summary of Project concept, scope and goal
7. Budget: Total Project Budget

500.8
THE SCHEMATIC DESIGN

The Schematic Design Documents generated by the Professional consist of a written report as well as preliminary drawings. The following paragraphs outline general requirements for the Schematic Design phase and the submissions of required data.

Although the Schematic Design phase is general and non-specific in nature by comparison to other planning phases, importance should be given to detail and direction from the very beginning in order to utilize time and expend funds wisely.

These phases will be discussed and enumerated individually over the next several pages.

Schematic Design Phase
* Program or Scope Definition
    * Site Analysis
    * Design Concept
    * Conceptual Drawings
* Visual Studies
    * Design Concept

500.9
SITE ANALYSIS

The Professional will develop and provide for the Bureau's review, an analysis of the Project site describing the following basics.

A rough sketch of the site showing the observations of site conditions and environment affecting the Project will be developed. A local land use map, a city or county planning map, or a United States Geological Survey map, together with the survey, will be utilized to prepare the site analysis sketch.

The general topographic survey information such as grades, walks, roads, water features, structures, tree masses, major utility lines, property lines, *set back* requirements or other restrictions will be shown on the site analysis sketch.

* Significant features of physical
* Characteristics of the site *
Climate
* Topography
* Soils and their conditions
* Ecology
* Utilities
* Circulation, views and noise
* Existing structures
* Statement of the above factors on the

The site analysis sketch may be drawn directly on a print of the survey if it is inclusive enough to show the character of the site and the immediate surroundings which affect the Project. If site conditions outside the survey are required to adequately present the information, an additional sketch or overlay will be prepared.

500.10
DESIGN CONCEPT

The site analysis, rough sketches and a brief written description of the design concept will be developed (plans and elevations), as well as photographs (snapshots) of the area contiguous to the site. The sketches may be freehand, but must show enough information to illustrate the architectural character of the proposed Project with emphasis on the following characteristics: unity and harmony with the surrounding area and buildings, style of architecture, proportions, exterior facing materials, local zoning requirements, if any, and structural concept of the building.

In general terms, Schematic Design Documents are comprised of single-line drawings translating the space requirements and program requirements into plans, elevations and sections. During this planning phase, the Professional will be furnished topographic and site boundary information on which the proposed building is to be erected, or he will obtain the survey on a reimbursable basis. The Professional will also furnish a cost estimate to remove Hazardous Containing Materials (HCM). Extensive investigation and testing for HCM are not required during the Schematic Document phase. The Professional will comply with those codes set forth in this Manual. [See Section 400.]

After the site analysis/design concept has been approved, the Professional will proceed to complete the Schematic Design submission according to the approved schedule of time and instructions issued by the Bureau.

500.11
CONCEPTUAL DRAWINGS

The Professional will develop and provide for the Bureau's review Conceptual Drawings of alternative approaches for translating the Program requirements into conceptual design solutions.

Conceptual Drawings
* Functional relationships within the Program *
Consideration of relationships to
master plans and environment
* Consideration of land use
* Traffic, parking, transportation
* Utilities
* Organization of major building functions

500.12
VISUAL STUDIES

The Professional will prepare and provide for the Bureau visual studies related to the concepts listed in the paragraph above including, but not limited to:

* Massing studies in model and/or diagrammatic form
* Sketches of design concept showing elevations/exterior appearances
* Other sketches or visual studies necessary for evaluation of alternative concepts

500.13
DESIGN CONCEPT APPROVAL

Upon approval by the Bureau of the developed Design Concept, the Professional will prepare and submit to the Bureau Schematic Design drawings of the approved concept which include, but are not limited to:

1. The basic design approach drawn at an agreed upon scale
2. Site location in relationship to the existing environment
3. Relationship to master plans
4. Circulation
5. Organization of building functions
6. Functional/aesthetic aspects of the design concepts under study
7. Graphic description of critical details
8. Visual and functional relationship
9. Compatibility of the surrounding environment

Schematic drawings will clearly show the Project's basic design and need for elaboration beyond the requirements set forth in the text:

1 Site Plan: The following note will appear on the site plan: *Based on topographic survey dated (Date)* or *Based on site documents furnished by* _____ *(Name)* .

2. Floor Plan: The following note will appear on the floor plans: *Based on program requirements dated (Date)* . The square footage *requested* by the program and *provided* in the Schematic Design for each activity (net assignable area) by floors will be shown on a schedule on the Schematic Design floor plans adjacent to each floor plan. The first sheet of the floor plans will included a table of *Grand Totals of Areas* (in square feet) broken down by floors into net assignable areas, custodial, mechanical, electrical, miscellaneous spaces, horizontal and vertical circulation spaces. The gross area of the building will also be shown on the schedules. New areas of rooms, or other spaces, will be indicated only on the schedules and not on the Schematic Design floor plans. The floor which is approximately on the same level as the main entrance is designated as the *first floor*. When the lot slopes downward from the main facade so that one or more secondary entrances lead to a level below the first floor, this level will be designated as the *ground floor*. When the lot slopes upward from the main facade, there is no *ground floor*. A secondary public entrance at the rear of the building may be at the mezzanine or second-story level.

2. Roof Plan: Show all levels of the roof, their elevations or slopes.
3. Elevations: The elevations will be block outlines and breaks to indicate the various masses and how they coincide with the plans. Typical proposed window arrangement and exterior material indications will be shown only to the extent necessary to suggest possible design in accord with the concept sketches. Floor-to-floor dimensions will be shown. Definitely planned or probable future extensions will be indicated by dotted outlines on the plans and elevations. The words "Future Extension" should be noted to indicate the limits of the extensions.
4. Transverse and Longitudinal Sections: In both the longitudinal and transverse sections, the important rooms (indicated by name or abbreviations) will be shown, as well as floor dimensions.

The drawings must show calculations for circulation areas, entrances, exits, stairways, exit stairways, passenger and freight elevators and escalators. The overall space divisions for each activity corresponding to the program requirements must be shown. Major spaces for mechanical and electrical equipment, public toilet rooms, major stacks and major chases must be indicated.

Partitions of each major room will be indicated on the drawings. At the Professional's option, the following may or may not be shown: door swings, closets, small storage areas, private toilets, recesses and alcoves within a given area.

Diagrammatic drawings will indicate space for mechanical and electrical equipment, toilet rooms and the number and location of elevators or escalators. Location and capacity of electricity, gas, water and sewer lines available for the Project and the approximate location of connections will also be indicated on the site plan.

In addition, diagrammatic drawings will be sufficiently developed with regard to column locations, grades and story heights to determine a sound structural scheme. The Professional will not submit diagrammatic drawings which have not been analyzed by the structural consultant and for which a feasible structural system has not been determined. The structural systems may be indicated by drawings or by written descriptions.

Since the building design and arrangement is dependent on the types of mechanical and electrical systems selected, it is necessary that the mechanical and electrical engineers be brought in at the concept stage of the design. The economic analysis description of systems and space requirements for mechanical and electrical systems will be included with the submission. The Professional, along with the structural, mechanical and electrical consultants, will stamp their Professional seal on respective drawings or submittal information.

500.14
SCALE OF DIMENSIONS

The site plan will be a scale of 1"=30' to 1"=50'. Other Schematic drawings will be drawn to 1/8", 1/16" or 1/32" scale and will be noted under the title of each sheet of drawing. The dimensions will be approximately correct but not necessarily final. The preferred sheet size is 24" x 36", including borders.

When reducing the original drawings to half-scale, all dimensions and notes will be a minimum of 3/16" or 1/8" in height, or larger in order to permit reduction.

500.15
DESCRIPTION OF BUILDING

The Professional will prepare and submit to the Bureau a description of building systems and give design criteria for major elements of the basic building systems:

Criteria for Major Elements
* Structure
* Foundations
* Floor grade and systems
* Roof
* Exterior/interior walls/partitions
* Interior finishes
* Sight lines
* Stairs and Elevators
* Specialty Items
* Mechanical Systems
* Built-in Equipment
* Site Construction

500.16
PROJECT BUDGET

The Professional will provide in writing a final Total Project Budget which includes all anticipated expenses. The Bureau may authorize the Professional to obtain independent estimated cost on a reimbursable basis, or the Bureau may pay the estimating firm directly. Estimates will be based on adjusted square foot or cubic foot cost of similar construction in the area of the Project or on a system cost study of the Project. Cost estimates will contain escalation factors in six (6) month increments for the subsequent two (2) years.

500.17
SCHEMATIC DESIGN SUBMISSION

The Professional will prepare and submit to the Bureau two (2) sets of Schematic Documents, an Estimated Total Project Budget reflecting the cost estimate based on proposed square footage and/or volume unit costs, furniture and equipment, fees and contingency.

The Professional will also forward copies of the Schematic Documents to the Using Agency and its Governing Board for review. If the Using Agency or Governing Board has any comments regarding the documents, these comments should be forwarded to the Bureau through written correspondence.

The Using Agency, Governing Board and Review by Others (where applicable) will approve each design phase and notify the Bureau in writing of such approval. Upon approval of the Schematic Design phase by the Bureau, the Professional will be notified in writing to proceed with the Design Development phase.

500.18
SUBMISSION TO THE LEGISLATURE

If the planning of this Project was mandated by the Legislature, after final approval, the Professional will provide the Bureau with ten (10) sets of the complete preplanning documents for submission to the Legislature. The sets will include, but not be limited to, the following:

1. Visual Presentation: A colored print of the prospective is preferred; however, if one was not prepared, an elevation or building sketch conveying the facility's design and character will be necessary.
2. Program: A copy of an executive summary, or the entire Program document.
3. Drawings: Half scale set of all drawings.
4. Cost Estimate: Cost estimate prepared in a format required by the Bureau.

Planning Procedures

Section 600

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SECTION 600: PLANNING PROCEDURES

600.1

PLANNING PHASES

* Program Phase
* Schematic Design Phase
* Design Development Phase
* Construction Document Phase
* Bidding Phase

Each funded Project goes through a planning process delineated by the Bureau and stipulated in the Professional's Contract as basic services.

The following guidelines have been developed to achieve the planning process.

600.2
CONSULTANTS

At the onset of the planning process, the Professional and/or Using Agency may request the services of special Consultants who have expertise in particular fields needed for the Project. Requests for Consultants must be made in writing by the Professional and will include the scope of work and the costs for the consulting service(s) if the service(s) is an additional cost to the Bureau beyond that of basic services.

If a Consultant is retained, the Professional will pay any portion of the Consultant's fee that is considered part of basic services and the Consultants will be listed in the Professional's contract with the Bureau and recorded across the Bureau's *Standard Approval Form - Record of Action*. Any change in Consultant status, will need written approval from the Bureau.

In some instances, the Consultant's fee, or a portion thereof, will be considered as an additional fee or service and the Professional will then be reimbursed separately for these services. In this instance, the Professional will provide the Bureau a copy of the Consultant's proposal clearly stating the scope, schedule of services, and cost of these special services.

* Costs which are a part of basic services
* Costs which are in excess of basic services
* Travel related expenses

The Bureau will not approve travel costs as an unknown, open-ended reimbursement, but will require an agreed amount supported by the estimated number of visits which includes time and reasonable costs associated with each visit. Special Consultants are, but not limited to *Program, Structural, Mechanical Electrical, Asbestos, Furniture and Equipment, Theatrical, Acoustical, Cost Estimate, Kitchen, Landscape*.

600.3

SCHEDULE/TIME

The Professional needs to perform the required services as expeditiously, skillfully and consistently as possible

in order to have the Work progress in a timely manner. A *Schedule of Performance* may be established in one of the following manners:

1. Upon execution of the *Standard Form of Agreement Between the Owner and the Professional*, the Professional may submit to the Bureau Staff for approval a *Schedule of Performance* which will include time allowances for review and approval of submissions by the Bureau and the Using Agency. When the *Schedule* has been approved, it will not - except for reasonable cause - be exceeded or changed by the Professional unless approved by the Bureau.

2. The Professional may be required to submit a *Schedule of Performance* during the interview process, or prior to the execution of the *Standard Form of Agreement Between the Owner and the Professional*. In this instance, the *Schedule* - upon approval - will become a part of the *Agreement* and may not be exceeded or changed unless approved by the Bureau.

An example of the Professional's *Schedule of Performance* as noted in Paragraph 2.2 of the *Standard Form of Agreement Between*

.1 Professional services beginning date:.....*(Date)*.....
.2 Program Phase:.....*Number (XX)*.....days
.3 Schematic Phase:.....*Number (XX)* .....days
.4 Design Development Phase:..... *Number (XX)*..... days
.5 Construction Document Phase: .....*Number (XX)*..... days
.6 Total planning: .....*Number (XX)*.....days

the Owner and the Professional is as follows:

600.4
SURVEYS/BORINGS/TESTS

Following the procedures for surveys/borings/tests outlined in this Manual [See **Section 400**.], the Professional will be responsible for obtaining all surveys, subsurface reports, miscellaneous tests, engineering data and any other information necessary to develop planning of the Work. The Professional will obtain this information from competent laboratories, licensed engineers and surveyors selected by and responsible to the Professional. The Bureau will approve the cost and selection prior to the work being ordered.

PROGRAM PHASE

600.5 (amended 600.5.7 07/15/08 SOS by 400.11)
THE PROGRAM

From time to time, it is necessary to prepare a written Program of the Using Agency's needs prior to the planning process. When a Program is required, it will be so stated in the *Agreement Between the Owner and the Professional*. The Program phase must have written approval by the Bureau before proceeding with the Schematic Design Phase.

Initially, the Professional will meet with the Bureau Staff to ascertain general requirements for the Project and will meet later with the Using Agency and Bureau Staff to define the Scope, the functional and departmental objectives, relationship of Project to other structures and facilities, and criteria for site selection.

The Professional will advise the Bureau as to the Project's projected cost and time requirements. The Professional will prepare and submit to the Bureau ten (10) copies of a comprehensive written Program including the following minimum elements:

1. **Goal**: Design objectives, limitations, and criteria
2. **Site**: Site requirements and analysis including location, boundaries, topography, subsurface, vegetation, utilities, climate, flooding, traffic, noise, and adjacent buildings
3. **Space**: Space requirements and relations including narrative description by area (square footage recommendations)
4. **People**: Number and functional responsibility of personnel
5. **Equipment**: Special equipment and systems
6. **Alterations**: Flexibility and ability to expand
7. **Energy**: Energy and sustainability considerations (400.11)
8. **Existing**: Analysis of existing facilities
9. **Concept**: Summary of Project concept, scope and goal
10. **Budget**: Total Project Budget

Minimum Elements
* Goal
* Site
* Space
* People
* Equipment
* Alterations
* Energy
* Existing Facilities
* Concept
* Budget

The Using Agency will be responsible for preparing a Program of furniture and equipment requirements and estimated costs following the procedures outlined in **Section 800**. The Professional and Bureau Staff will assist the Using Agency, if needed.

After the Using Agency and Professional have received written notification that the Program has been approved, the Professional will proceed with the Schematic Design Phase.

600.6
PROGRAM EXAMPLE

The following page gives an excellent *example* of various aspects included in a Program phase:

1.0 **DOCUMENT PLANNING SITUATION, PROJECT OBJECTIVES, LOCATION AND SCOPE**

1.1 Describe conditions leading to need for this two-phase capital renovation project; document existing facilities and project sites, in terms of space available and condition.
1.2 Outline project purpose, design objectives, and proposed occupants. Provide overview of affected administrative functions.
1.3 Define project scope inclusive of size (e.g. renovation area, additional floor area, etc.) and anticipated design, construction and occupancy schedule.
1.4 Defined required interim use of other facilities during the primary renovation.

2.0 **DEFINE PROJECT RATIONALE, ANALYZE FUNCTIONAL REQUIREMENTS AND DETERMINE SPACE ALLOCATIONS**

2.1 State program and design goals for the proposed project.
2.2 Analyze administrative and functional requirements; define facility and site issues.
2.3 Present staff and other relevant statistical data in support of project need/rationale.
2.4 Determine administrative space requirements for: administrative service areas, open space work areas, group offices, private offices, meetings rooms, and office support facilities, as well as for all other project functions such as ceremonial spaces in the primary building to be renovated.

2.5 Develop listing of spaces to be provided in the renovated facilities.
2.6 Utilize comparative office space standards for the Using Agency, State Government, and other entities.

3.0 **PREPARE DETAILED DESCRIPTIONS OF THE SPACES TO BE PROVIDED**

3.1 Provide detailed descriptions of each space:
   a. Name, function, and type of space
   b. Approximate size (NASF)
   c. HEGIS space code designation
   d. Special design considerations
   e. Functional relationships between spaces
3.2 Provide graphic illustrations of desired relationships among all major spaces of the project.

4.0 **DEFINE DESIGN CRITERIA AND SPECIFIC PROJECT CONSIDERATIONS**

4.1 Prepare listing of general architectural design considerations for the project, including standard items specified by the Using Agency.

4.2 Prepare statement of special design considerations, including site issues that are unique to this project:

a. Project sequencing and schedule constraints
b. Required demolition
c. Project limits
d. Energy goals
e. Landscaping or site development requirements
f. Special utility requirements/interfaces

5.0 **PROVIDE LIMITED STAFF TIME FOR PROJECT REVIEWS AND REVISIONS**

5.1 Submit program document to the Bureau of Building, Grounds and Real Property Management and the Using Agency for reviews and revisions prior to general distribution.

5.2 Reserve two (2) work days for attendance/participation in review meetings and for accomplishing necessary document revisions at each of the two progress milestones.

SCHEMATIC DESIGN PHASE

600.7
SCOPE DEFINITION

If the Professional has not been provided with a Program, or one has not been developed, the Professional will prepare and submit to the Bureau four (4) copies of a comprehensive written document detailing the Project's Scope which includes the following minimum elements:

1. **General**: General statement of work to be accomplished
2. **Goal**: Design objectives, limitations, and criteria
3. **Space**: Space requirements and relations including narrative description by area (square footage recommendations)
4. **People**: Number and functional responsibility of personnel
5. **Equipment**: Special equipment and systems
6. **Concept**: Summary of Project concept, scope and goal
7. **Budget**: Total Project Budget

600.8
THE SCHEMATIC DESIGN

The Schematic Design Documents generated by the Professional consist of a written report as well as preliminary drawings. The following paragraphs outline general requirements for the Schematic Design phase and the submissions of required data.

Although the Schematic Design phase is general and non-specific in nature by comparison to other planning phases, importance should be given to detail and direction from the very beginning in order to utilize time and expend funds wisely.

These phases will be discussed and enumerated individually over the next several pages.

Schematic Design Phase
* Program or Scope Definition
* Site Analysis
* Design Concept
* Conceptual Drawings
* Visual Studies
* Design Concept Approval

600.9
SITE ANALYSIS

The Professional will develop and provide for the Bureau's review, an analysis of the Project site describing the following basics.

A rough sketch of the site showing the observation of site conditions and environment affecting the Project will be developed. A local land use map, a city or county planning map, or a United States Geological Survey map, together with the survey, will be utilized to prepare the site analysis sketch.

The general topographic survey information such as grades, walks, roads, water features, structures, tree masses, major utility lines, property lines, *set back* requirements or other restrictions will be shown on the site analysis sketch.

The site analysis sketch may be drawn directly on a print of the survey if it is inclusive enough to show the character of the site and the immediate surroundings which affect the Project. If site conditions outside the survey are required to adequately present the information, an additional sketch or overlay will be prepared.

* Significant features of physical environment
* Characteristics of the site
* Climate
* Topography
* Soils and their conditions
* Ecology
* Utilities
* Circulation, views and noise
* Existing structures
* Statement of the above factors on the design

600.10
DESIGN CONCEPT

The site analysis, rough sketches and a brief written description of the design concept will be developed (plans and elevations), as well as photographs (snapshots) of the area contiguous to the site. The sketches may be freehand, but must show enough information to illustrate the architectural character of the proposed Project with emphasis on the following characteristics: unity and harmony with the surrounding area and buildings, style of architecture, proportions, exterior facing materials, local zoning requirements, if any, and structural concept of the building.

In general terms, Schematic Design Documents are comprised of single-line drawings translating the space requirements and program requirements into plans, elevations and sections. During this planning phase, the Professional will be furnished topographic and site boundary information on which the proposed building is to be erected, or he will obtain the survey on a reimbursable basis. The Professional will also furnish a cost estimate to remove Hazardous Containing Materials (HCM). Extensive investigation and testing for HCM are not required during the Schematic Document phase. The Professional will comply with those codes set forth in this Manual. [See **Section 400**.]

After the site analysis/design concept has been approved, the Professional will proceed to complete the Schematic Design submission according to the approved schedule of time and instructions issued by the Bureau.

600.11
CONCEPTUAL DRAWINGS

The Professional will develop and provide for the Bureau's review Conceptual Drawings of alternative approaches for translating the Program requirements into conceptual design solutions.

* Functional relationships within the Program
* Consideration of relationships to master plans and environment
* Consideration of land use
* Traffic, parking, transportation
* Utilities
* Organization of major building functions

600.12
VISUAL STUDIES

The Professional will prepare and provide for the Bureau visual studies related to the concepts listed in the paragraph above including, but not limited to:

1. Massing studies in model and/or diagrammatic form
2. Sketches of design concept showing elevations/exterior appearances
3. Other sketches or visual studies necessary for evaluation of alternative concepts

600.13
DESIGN CONCEPT APPROVAL

Upon approval by the Bureau of the developed Design Concept, the Professional will prepare and submit to the Bureau Schematic Design drawings of the approved Concept which include, but are not limited to:

1. The basic design approach drawn at an agreed upon scale
2. Site location in relationship to the existing environment
3. Relationship to master plans
4. Circulation
5. Organization of building functions
6. Functional/aesthetic aspects of the design concepts under study
7. Graphic description of critical details
8. Visual and functional relationship
9. Compatibility of the surrounding environment

Schematic drawings will clearly show the Project's basic design and need for elaboration beyond the requirements set forth in the text:

1. **Site Plan**: The following note will appear on the site plan: Based on topographic survey dated *(Date)* or *Based on site documents furnished by ..... (Name)..... .*
2. **Floor Plan**: The following note will appear on the floor plans: *Based on program requirements dated (Date)* . The square footage *requested* by the program and *provided* in the Schematic Design for each activity (net assignable area) by floors will be shown on a schedule on the Schematic Design floor plans adjacent to each floor plan. The first sheet of the floor plans will included a table of *Grand Totals of Areas* (in square feet) broken down by floors into net assignable areas, custodial, mechanical, electrical, miscellaneous spaces, horizontal and vertical circulation spaces. The gross area
of the building will also be shown on the schedules. New areas of rooms, or other spaces, will be indicated only on the schedules and not on the Schematic Design floor plans. The floor which is approximately on the same level as the main entrance is designated as the *first floor*. When the lot slopes downward from the main facade so that one or more secondary entrances lead to a level below the first floor, this level will be designated as the *ground floor*. When the lot slopes upward from the main facade, there is no *ground floor*. A secondary public entrance at the rear of the building may be at the mezzanine or second-story level.
3. **Roof Plan**: Show all levels of the roof, their elevations or slopes.
4. **Elevations**: The elevations will be block outlines and breaks to indicate the various masses and how they coincide with the plans. Typical proposed window arrangement and exterior material indications will be shown only to the extent necessary to suggest possible design in accord with the concept sketches. Floor-to-floor dimensions will be shown. Definitely planned or probable future extensions will be indicated by dotted outlines on the plans and elevations. The words "Future Extension" should be noted to indicate the limits of the extensions.
5. **Transverse and Longitudinal Sections**: In both the longitudinal and transverse sections, the important rooms (indicated by name or abbreviations) will be shown, as well as floor dimensions.

The drawings must show calculations for circulation areas, entrances, exits, stairways, exit stairways, passenger and freight elevators and escalators. The overall space divisions for each activity corresponding to the program requirements must be shown. Major spaces for mechanical and electrical equipment, public toilet rooms, major stacks and major chases must be indicated.

Partitions of each major room will be indicated on the drawings. At the Professional's option, the following may or may not be shown: door swings, closets, small storage areas, private toilets, recesses and alcoves within a given area.

Diagrammatic drawings will indicate space for mechanical and electrical equipment, toilet rooms and the number and location of elevators or escalators. Location and capacity of electricity, gas, water and sewer lines available for the Project and the approximate location of connections will also be indicated on the site plan.

In addition, diagrammatic drawings will be sufficiently developed with regard to column locations, grades and story heights to determine a sound structural scheme. The Professional will not submit diagrammatic drawings

which have not been analyzed by the structural consultant and for which a feasible structural system has not been determined. The structural systems may be indicated by drawings or by written descriptions.

Since the building design and arrangement is dependent on the types of mechanical and electrical systems selected, it is necessary that the mechanical and electrical engineers be brought in at the concept stage of the design. The economic analysis description of systems and space requirements for mechanical and electrical systems will be included with the submission. The Professional, along with the structural, mechanical and electrical consultants, will stamp their Professional seal on respective drawings or submittal information.

600.14
SCALE OF DIMENSIONS

The site plan will be a scale of 1"=30' to 1"=50'. Other Schematic drawings will be drawn to 1/8", 1/16" or 1/32" scale and will be noted under the title of each sheet of drawing. The dimensions will be approximately correct but not necessarily final. The preferred sheet size is 24" x 36", including borders. When reducing the original drawings to half-scale, all dimensions and notes will be a minimum of 3/16" or 1/8" in height, or larger in order to permit reduction.

600.15
BUILDING DESCRIPTION

The Professional will prepare and submit to the Bureau a description of building systems and give design criteria for major elements of the basic building systems.

Building Systems
* Structure
* Foundations
* Floor grade and systems
* Roof
* Exterior/interior walls/partitions
* Interior finishes
* Sight lines
* Stairs and elevators
* Specialty Items
* Mechanical Systems
* Built-in Equipment
* Site Construction

600.16
PROJECT BUDGET

The Professional will provide in writing a final Total Project Budget which includes all anticipated expenses. The Bureau may authorize the Professional to obtain independent estimated costs on a reimbursable basis, or the Bureau may pay the estimating firm directly. Estimates will be based on adjusted square foot or cubic foot cost of similar construction in the area of the Project or on a system cost study of the Project. Cost estimates will contain escalation factors in six (6) month increments for the subsequent two (2) years.

600.17
SCHEMATIC DESIGN SUBMISSION

The Professional will prepare and submit to the Bureau two (2) sets of Schematic Documents, an Estimated Total Project Budget reflecting the cost estimate based on proposed square footage and/or volume unit costs, furniture and equipment, fees and contingency.

The Professional will also forward copies of the Schematic Documents to the Using Agency and its Governing Board for review. If the Using Agency or Governing Board has any comments regarding the documents, these comments should be forwarded to the Bureau through written correspondence. The Using Agency, Governing Board and Review by Others (where applicable) will approve each design phase and notify the Bureau in writing of such approval. Upon approval of the Schematic Design phase by the Bureau, the Professional will be notified in writing to proceed with the Design Development phase.

DESIGN DEVELOPMENT PHASE

600.18
THE DESIGN DEVELOPMENT

The Design Development Documents consist of a written report and detailed drawings based on approved Schematic Design documents. The following paragraphs set forth general requirements for the Design Development phase and the submission of

required data.

The Design Development Phase is specific and detailed in nature by comparison to the Schematic Design Phase. The project design concept is further developed so most decisions and details regarding the entire facility are resolved. Reviews of the Design Development submission should resolve all questions. In many cases, Design Development Documents are the beginning of the Construction Document Phase because the drawings and specifications submitted are the partially competed Contract Documents.

The Professional will prepare and submit to the Bureau two (2) sets of drawings which shows allocation of space and overall dimensions, adequate explanation of HVAC, electrical and structural systems, miscellaneous equipment, lists and schedules. In addition, site plans including topography, adjacent buildings and utilities will be submitted.

The Professional will prepare two (2) sets of preliminary specifications following the *Construction Specification Institute* [CSI] and give basic descriptions of essential building materials, finishes, components, and systems. Cost estimates reflecting the total budget including construction, furniture and equipment, fees and contingency will be submitted.

The Design Development Documents will also be furnished to the Using Agency and its Governing Board for review. If the Using Agency or Governing Board has any comments regarding the Documents, these comments should be forwarded to the Bureau through written correspondence.

The Using Agency, Governing Board and Review by Others (where applicable) will approve each design Phase and notify the Bureau in writing of such approval. Upon approval of the Design Development phase by the Bureau, the Professional will be notified in writing to proceed with the Construction Document phase.

600.19
DESIGN DEVELOPMENT DRAWINGS

The Design Development drawings will show spaces by name and number, actual net area of each space, structural module, fixed equipment, adequate explanation of mechanical spaces, chases, and circulation areas. Drawings will show the overall building dimensions and major lines of dimensions.
Drawings will adequately detail information regarding HVAC, electrical, and structural systems, Information concerning furnishings, miscellaneous equipment, layouts, lists, and schedules necessary to explain the plans are to be indicated on the floor plans.

Site plans showing topography, adjacent buildings, and utilities will be prepared. In addition, the Professional will prepare and submit building elevations, sections and design details permitting the Professional to proceed with the Contract Documents Phase when the Design Development Phase has been approved. These building
elevations will show fenestration, proposed exterior materials using shades and shadows adequately depicting the proposed building exteriors.

600.20
SPECIFICATIONS

Preliminary specifications will follow the format of the *Construction Specification Institute [CSI]* and give basic descriptions of essential building materials, finishes, components, and systems.

600.21
COST ANALYSIS

Cost estimates reflecting the total budget including construction, furniture and equipment, fees and contingency will be submitted based on detailed plans and specifications. The basis of the cost estimate will be a preliminary quantity survey showing the escalation projects from the date of the estimate to the projected bid date for the building systems noted on the right.

For a suggested Project Budget Estimate format see **Appendix 600**.

Building Systems
* Structure
* Foundation
* Floor grade and systems
* Roof
* Exterior/interior walls/partitions
* Interior finishes
* Sight lines
* Stairs and elevators
* Specialty items
* Mechanical systems
* Electrical systems
* Built-in equipment
* Site construction

600.22
DESIGN DEVELOPMENT SUBMISSION

The Professional will prepare and submit four (4) sets of Design Development specifications and drawings -two (2) to the Bureau and two (2) sets to the Using Agency and its Governing Board - for review. If the Using Agency or Governing Board has any comments regarding the Design Development Documents, these comments should be forwarded to the Bureau through written correspondence.

The Using Agency, Governing Board, and Review by Others (where applicable) will approve the Design Development phase and notify the Bureau in writing of such approval. After Bureau approval, the Professional will be notified in writing to proceed with the Construction Document Phase.

CONSTRUCTION DOCUMENT PHASE

600.23
THE CONSTRUCTION DOCUMENTS

Once the Bureau has approved the Design Development Phase, the Professional will prepare working Drawings and a Project Manual detailing specifications regarding the Work.

The Work
* Materials
* Workmanship
* Finishes
* Mechanical and electrical systems
* Asbestos abatement
* Special equipment
* Site work
* Utility connections and services
* Bidding information
* Proposals
* Contract and bond forms
* General, special and supplementary conditions of the Contract
* Other information required for receiving bids on the Project

600.24
CONSTRUCTION DOCUMENT DRAWINGS

The Drawings are graphic and pictorial portions of the Construction Documents showing the design, location and dimensions of the Work including plans, elevations, sections, details, schedules and diagrams. Every sheet should be stamped and signed by the Professional of record himself, or the Principal of the firm. All structural, mechanical, electrical and civil drawings will be stamped and signed by the Consultant of record.

The site plan will be a scale of 1"=30' to 1"=50'. Plan drawings will be drawn to 1/4", 1/8" or 1/16" scale and will be noted under the title of each sheet of drawings. Other detailed drawings shall be at an appropriate scale so when reduced, the drawings are readable. The dimensions will be approximately correct, but not necessarily final. The preferred sheet size is 24" x 36", including borders.

When reducing the original drawings to half-scale, all dimensions and notes will be a minimum of 3/16" or 1/8" in height, or larger to permit readability.

The Construction Specifications and Drawings are owned by the Bureau.

600.25
PROJECT MANUAL (modified August 2015; see Div 1 Substitutions/Product Options; Inst to Bidders Substitutions)

The Project Manual will be prepared based on the Construction Specification Institute format.

Division 00 and 01 of the CSI entitled *Procurement and Contracting Requirements* and *General Requirements* respectively, are furnished by the Bureau for Bureau administered projects and are to be reproduced *as is* into the Project Manual. Any additions made by the Professional will be included in the section entitled *Division One Supplement*. Any modifications other than these made by the Professional, shall be subject to approval of the Bureau, and will be included in the *Division One Supplement* or by Addendum only. For projects not administered by the Bureau, use of Bureau Division 00 and 01 template documents is strongly encouraged, but not required. All other sections of the specifications shall be as provided by the Professional and shall be written so as not to exclude comparable equipment of domestic manufacture. Products shall generally be specified in one of five methods:

1. Specification by reference standards or technical performance requirements only. Contractor shall have the option to select any product meeting product standards by any Manufacturer. Professional shall identify critical performance and/or technical details necessary to meet project requirements, but shall not do so in a hyper-technical manner so as to place unnecessary or inconsequential restrictions on providers of otherwise comparable equipment. Further, when utilizing specifications of this nature, Professionals are expected to be certain that such specifications can reasonably be met by more than one product.

2. Specification by naming a minimum of two (2) or three (3) products or Manufacturers or equal. Contractor shall have the option to select any product and Manufacturer named. Additionally, Contractor may always submit any product and Manufacturer meeting all product standards as an equal.

3. Specification by “basis of design”. Contractor may select any equivalent product meeting specified reference standards or technical performance requirements as represented by the named products and/or Manufacturers. Professional shall identify critical performance and/or technical details necessary to meet project requirements, but shall not do so in a hyper-technical manner so as to place unnecessary or inconsequential restrictions on providers of otherwise comparable equipment. Further, when utilizing specifications of this nature, Professionals are expected to be certain that such specifications can reasonably be met by more than one product.

4. Specification as “brand specific”. Contractor may only utilize specified product. Prior approval by the Director of the Bureau of Building, Grounds and Real Property Management is required. Professional may only utilize this method when justified due to the nature of specific project requirements. Professional shall furnish written justification for review and approval including the following:

a. Description of the product for which approval is being sought
b. Explanation of why the product is the only one that can meet project requirements
c. Estimate of cost for such product
d. Estimate of cost for overall procurement

e. Availability of the product to bidders and/or subcontractors

5. Specification as "sole source". Contractor may only utilize specified product, which is available from only one source. Professional may only utilize this method when justified due to the nature of specific project requirements. Such specification may only be utilized in sole-source procurements and shall not be embedded within request for quotation, allowance, request for bid, or request for proposal solicitations. Professional shall furnish written justification for review and approval including the following:

a. Description of the product for which approval is being sought
b. Explanation of why the product is the only one that can meet project requirements
c. Explanation of why the source is the only person or entity that can provide the required product
d. Explanation of why the amount to be expended for the product is reasonable
e. The efforts expended to obtain the best possible price for the product

6. Products proposed to be procured via sole source shall be advertised in the same manner provided in Section 31-7-13(c), Mississippi Code, Annotated. Such advertisement shall direct vendors to the procurement portal website where Bureau shall publish for a minimum of fourteen (14) days the terms of the proposed sole source procurement including the above items as well as procedures for any person or entity that objects and proposes that the product published on the procurement portal is not sole source and can be provided by another person or entity. If no objection is received, Bureau will obtain approval from the Public Procurement Review Board and document compliance with process via General Standard Approval Form.

7. Where sole source procurement is objected to, the Bureau will follow the following steps:

a. If the Bureau determines after review that the product in the proposed sole source request can be provided by another person or entity, the sole source request will be terminated and such product procured in a competitive procurement process.

b. If the Bureau determines after review that there is only one (1) source for the required product, then the Bureau may appeal to the Public Procurement Review Board. The Bureau shall have the burden of proving that the product is only provided by one (1) source. If appeal is successful, Bureau will proceed with procurement and document compliance with process via General Standard Approval Form.

c. If the Public Procurement Review Board has any reasonable doubt as to whether the product can only be provided by one (1) source, then the Bureau will procure the product in a competitive procurement process.

8. Prior approval of brand specific specifications for projects not administered by the Bureau shall be the same as hereinbefore stated with the exception of such prior approval may be granted by the board of a governing authority and where such justification is placed on the minutes of the governing authority.

9. Procedure for use of sole source specifications for projects not administered by the Bureau shall be the same as hereinbefore stated. An exception of such approval may be granted by the board of a governing authority where such authorization is placed on the minutes of the body at the next regular meeting thereafter. Following such purchase, the executive head of the state agency, or his designees, shall file with the Department of Finance and Administration, documentation of the purchase as noted in 5a thru 5e above.

600.26
CODES & REGULATIONS

Applicable Codes and Regulations are set forth in this Manual. [See **Section 400**.] When submitting the completed Documents, the Professional will forward a letter stating that the Construction Documents submitted conform to those codes required listed in this Manual.

The Construction Document Drawings should include a page dedicated to Code Analysis. This page may also include gross square footage information for each floor. See the following example:

LEGEND

1 HOUR FIRE RATED
CONSTRUCTION

2 HOUR FIRE RATED
CONSTRUCTION

CODE ANALYSIS

Occupancy Type: Mixed Occupancy
- Group B: Business
- Group A: Small Assembly

Construction Type: Type 11
- Concrete Frame & Floor Slab

Single Tenant
Sprinkled Throughout
Special Occupancy Requirements:
- Physically Handicapped Accessibility:
  - In accordance w/ANSI A117.1 & ADA
- Atriums:
  - Smoke exhaust system at the ceiling
  - One (1) hour fire separation
  - Smoke detectors are to be provided
  - Stand-by power is to be provided
  - Smoke control in adjoining areas
  - Class B interior finish Classification
- Sprinkler System:
  - Fully sprinkled
  - Wet standpipe system
  - Automatic fire alarm system with automatic smoke detectors
- Occupancy Load:
  - First Floor: 425 persons
  - Second Floor: 195 persons
  - Third Floor: 150 persons

GROSS SQ. FOOTAGE

First Floor:	20822
Second Floor:	21116
Third Floor:	19753
Total Gross:	61691 sq. ft.

The Bureau will pay all fees prescribed by law to the Health Department for review of Contract Documents. [**Mississippi Code 1972, Annotated**, Section 43-6-123]

600.27
DAVIS-BACON ACT

The Bureau will inform the Professional if funding for the Project requires reference to the Davis-Bacon Act and wage rate determinations should be incorporated into the Construction Documents. If such is required, the Professional will apply to the Department of Labor for a wage rate determination which will then be included in the Project Manual.

600.28

ALLOWANCES

The Bureau discourages allowances unless absolutely necessary. Any allowance (i.e., brick, signage, special equipment, contingency, wall covering, carpet, etc.) should have **prior approval** from Bureau Staff before being incorporated in the Construction Documents:

1. **Contingency**: Not allowed.
2. **Brick**: An amount per thousand for purchase and delivery only is a normal, acceptable practice.
3. **Hardware**: A hardware schedule will be included in the Contract Documents. If for some reason, a hardware schedule is not included in the Bid Documents, after the award of contract, the Professional must prepare a hardware schedule and secure a minimum of three (3) proposals and award a subcontract to the lowest and best bidder.
4. **Carpet**: A lump sum amount which includes carpet pad and installation, is acceptable. Unit cost per square yard is discouraged. After the contract award, the Bureau will select the carpet. The Professional will secure a minimum of three (3) proposals and award a subcontract to the lowest and best bidder.
5. **Wall Covering**: A lump sum amount including delivery and installation is acceptable. Unit cost per roll or square yard is discouraged. After the contract award, the Bureau will select the wall covering. The Professional will secure a minimum of three (3) proposals and award a subcontract to the lowest and best bidder.
6. **Signage**: Not allowed unless approved by Bureau Staff.
7. **Special Equipment**: Not allowed unless approved by Bureau Staff.

600.29
ALTERNATES

From time to time, Projects require the inclusion of alternates which decrease or increase the Base Bid, depending upon the funds available. The Construction Contract sum will be determined by the Base Bid and the number of alternates taken.

Base Bid			$ _____
Modifications	( ) Adds	( ) Deducts	$ _____
Negotiations			$ _____
Alternate #1	( ) Adds	( ) Deducts	$ _____
Alternate #2	( ) Adds	( ) Deducts	$ _____
Alternate #3	( ) Adds	( ) Deducts	$ _____
Alternate #4	( ) Adds	( ) Deducts	$ _____
Alternate #5	( ) Adds	( ) Deducts	$ _____

The Professional should give careful consideration in preparing cost estimates for a project and their relationship to the funds available. The Base Bid should contain the Work which may be accomplished within the funds allowed. If this is not possible, and the Professional anticipates a shortage of funds, then sufficient *deduct* alternates should be prepared which will insure an awardable Contract.

If the Base Bid contains all the Work to be accomplished and a surplus of funds remain, the Professional may consider *add* alternates provided all phases of the original Scope are accomplished and the intent of the appropriation is met and not abused.

The Professional should prepare and submit to Bureau Staff cost estimates for the base bid and each of the alternates and should be listed in the order of preference. A maximum of five (5) **deductive** alternates (i.e.: paving, fencing, roofing, etc.) is allowed. Add alternates will be considered with Bureau Staff approval. However, a combination of additive alternates and deductive alternates will not be permitted.

600.30 (amended April/May 2009 “facilities” to “buildings”; modified Dec 2013 SoS)
PLAQUES

New buildings and major building renovation projects paid for wholly, or partially, with State funds and have a construction Contracts of $1,000,000, or more, will require a plaque.

The plaque size, materials, layout and wording should be specified by the Professional in the Construction Documents. The Bureau reserves the right to establish standards/templates and to approve the Professional's work.

SPECIAL NOTE: No lettering is to be larger than that reading *THIS BUILDING WAS PAID FOR BY THE TAXPAYERS OF THE STATE OF MISSISSIPPI*. . [**Mississippi Code 1972 Annotated**, Section 29-5-151.]

NOTE: The name of the Governor appearing on the plaque should be the individual holding office at the time the construction contract was awarded.

THIS BUILDING WAS PAID FOR BY THE
TAXPAYERS OF THE
STATE OF MISSISSIPPI

Name of Project
Institution, Agency or Department Name
Year the Construction Was Completed
Governor's Name
Name of Project Professional(s)
Name of Contractor(s)

ADDITIONAL DETAILS: Section 600.30 of the BOB Procedure Manual applies in whole but is explained below with additional details (previously in Addendum 1)

It is more appropriate to list on one plaque all the information required instead of having two plaques side by side in a building. It is appropriate to list the members of a Board (i.e. IHL or CC/JC); however, some institutions/agencies have Commissions that may have so many members that it would not be feasible to list all of them. These, if necessary, can be handled as an exception. The listing of Board Members and/or Commissions requires approval by the Bureau of Building, Grounds and Real Property Management.

There may be other parties helping pay for the facility and it is appropriate to list these parties if it is done appropriately. (i.e. "This Building was paid for by the Taxpayers of the State of Mississippi and Friends of the University.")

The Governor's name shall be larger than any other individual listed on the plaque. The proper name of a building is not normally known when the building is designed; however, if possible, the proper name should be placed on the plaque instead of the generic project name, if the proper name is determined in time.

600.31

SIGNAGE (see also Division 1, Section 01500.J and Ex B at end of 01900)

All signage, including handicapped, will be specified in the Construction Documents.

1. The Contractor will erect on adequate supports and maintain one (1) neatly constructed and painted 3/4" thick plywood sign of size, color, layout, and location as indicated in the Contract Documents. (example attached as Exhibit "B" at the end of Division 1 Section 01900)
2. No other signs will be displayed on the job site without permission of the Professional. The displaying of sign advertisements is strictly prohibited.

600.32
SINGLE PRIME CONTRACT

The Bureau's policy is to bid and award Contracts for construction on a single prime general contract basis.

600.33
MULTIPLE PRIME CONTRACTS

When it is to the advantage of the State of Mississippi, Projects may be bid and awarded on a multiple prime contract basis. Multiple prime Contracts are permissible only with the Bureau's approval. When preliminary documents are submitted to the Bureau, should the Professional be of the opinion that multiple prime contracts are in the best interest of the State rather than a single prime contract, he may recommend the multiple prime contract method be employed. The Bureau will give consideration to the Professional's recommendation; and, if approved, the Professional will be notified to prepare the bid documents for multiple contract bidding.

600.34
LIQUIDATED DAMAGES

Projects having total funds *less than* $1,000,000 may not require liquidated damages; however, the Professional should consult with Bureau Staff prior to preparing the Construction Documents. All Projects *more than* $1,000,000 will require liquidated damages and the amount to be stipulated.

600.35
CONSTRUCTION DOCUMENT REVIEW

The Professional, upon completion of the Construction Documents, will submit two (2) sets of drawings, two (2) Project Manuals and an updated estimate of cost to the Bureau. Note, the cost estimate should reflect the total budget including construction, furniture and equipment, fees and contingency. This same information will be furnished to the Using Agency, its Governing Board and for Review By Others (where applicable).

600.36

CONSTRUCTION DOCUMENT APPROVAL

The Professional will be notified in writing of Construction Document approval. If the Documents are disapproved, the Professional will revise the Documents according to the Bureau Staff's comments and will resubmit the Construction Documents for approval. Upon further review from the Bureau, the Professional will revise the Construction Documents to conform with all the review comments and furnish final copies to the Bureau prior to release of Documents for bids.

The Professional will furnish complete sets of plans, specifications and other Bidding Documents, as are necessary for bidding. The actual cost of printing and mailing of these documents will be paid by the Professional and reimbursed by the Bureau. Costs for printing and mailing plans and specifications required during the design process will be the expense of the Professional.

600.37
ADVERTISEMENT FOR BIDS (modified Dec, 2013 SoS)

Once the Construction Documents have been approved, the Bureau will prepare and issue an *Advertisement for Bids* published in the legal section of a newspaper having general circulation in *a regular newspaper published in the county or municipality in which such* [procuring] *agency or governing authority is located*. The Advertisement will run once a week for two (2) consecutive weeks with bids being opened not less than fifteen (15) working days after the last publication by the Bureau. [**Mississippi Code 1972, Annotated**, Section 31-7-13(c)] A sample *Advertisement* is included in **Documents Division 0**, page 00000-1. The Professional will be forwarded a copy of the *Advertisement for Bids* for incorporation into the Construction Documents. The Mississippi Procurement Center will also be notified. [**Mississippi Code 1972, Annotated**, Section 31-7-13(c)]

600.38
EXAMINATION & DISTRIBUTION OF DOCUMENTS (modified August 2016)

In addition to newspaper advertisement, the Professional will furnish Contract Documents without charge to appropriate trade organizations, plan rooms and web-based distribution networks upon request for the use of material suppliers, subcontractors and others interested in the Project. In order for a trade organization, plan room and/or web-based distribution network to receive all such documents by default and not upon request per project, such entity shall submit written correspondence to the Bureau indicating such request, along with justification of benefit to the State for such default distribution. Any entity that is not approved for default distribution shall still be eligible for distribution without charge upon request per project at the discretion of the project Professional. All contractors properly licensed to do business in Mississippi who desire to bid will be furnished Contract Documents and all other pertinent information to permit them to make adequate estimates in ample time for bidding purpose upon request to Professional.
The Professional will submit to the Bureau one (1) set of Construction Documents as the record copy of the Construction Documents issued to Bidders along with one (1) copy of any addenda issued during the bidding period.

600.39
INTERPRETATIONS

Should a Bidder find discrepancies, the Professional should be contacted immediately for interpretation and clarification. Neither the Bureau Staff, nor the Professional, will be responsible for any oral instructions or interpretations. The Professional will respond in writing to all Construction Document holders.

600.40

ADDENDA

Should Addendum be necessary, the Professional will issue them as expeditiously as possibly to all parties concerned prior to the time for receiving bids. However, no addendum should be issued within two (2) working days of the receipt of bids unless such addendum also amends the bid opening to a date not less than five (5) working days after the date of the addendum. Bidders should acknowledge any Addendum on the *Proposal Form*. All Addenda will be incorporated into the Construction Documents and become a part of the Construction Contract.

600.41
BIDDER'S RESPONSIBILITY

Bidders will fully inform themselves of the conditions regarding the Project and the related site. Failure to do so will not relieve the successful Bidder of obligations to fulfill material and labor requirements, or performing any work required without additional cost to the Bureau.

600.42

BID PREPARATION

SUBMITTAL: A bid must be delivered to the address indicated on the Advertisement for Bids prior to the time and date stated. Only one original of Bid Proposal shall be submitted which should be sealed in an opaque envelope, marked,
mailed or hand-delivered, as follows. (beginning 1/1/09 and for a reasonable time period, a duplicate copy will not disqualify your bid, but the second copy, without comparison, will be destroyed in the bid opening, not read aloud nor used thereafter, in order to prevent inadvertent differences in the duplicate forms). If the Bidder desires a copy of the bid, a copy should be made and retained by the Bidder before turning in the bid. The outside of the envelope should contain:
(also see 3.01 and 5.01 of Instructions to Bidders)

(In upper left hand corner)
Name of Firm
(As it appears in the current Mississippi
State Board of Contractors Roster)

Bid shall be addressed and delivered to)
Bureau of Building, Grounds and Real Property Management
501 North West Street, Suite 1401B [Woolfolk Building]
Jackson, Mississippi 39201

(In lower left hand corner)
Bid for Project # _____
Title _____
Using Agency_____
Certificate of Responsibility # _____ (over $50,000.00)
(If under $50,000.00 - get statement)

The sealed envelope should contain: (modified Dec, 2013 SoS)

1. Bid Proposal Form:
2. Bid Security: (modified Dec 2013 SoS) (see also 600.57.9 700.14, 00100, 00600, 00650)
   a. Bid Security in an amount not less than five percent (5%)

b. Bid Security can be in the form of a certified check made payable to the Bureau of Building, Grounds and Real Property Management

c. Bid Bond by a Surety licensed in Mississippi in the amount of five percent (5%) of the base bid. The Bid Bond shall be duly executed by the Bidder, a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department OR signed by the Surety AND countersigned by a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department. http://www.mid.state.ms.us/licapp/search_main.aspx (No standard form is required for the Bid Bond.)

d. Power of Attorney dated same as Bond (No Power of Attorney is needed with a certified check.)

3. Non-Resident Bidder's Preference Law (if applicable).

600.43
CERTIFICATE OF RESPONSIBILITY

If a bid is more than $50,000, a Bidder must have a Certificate of Responsibility Number in order to submit a bid, enter into a Contract, or otherwise engage in or continue in this State in the business of a public Contractor. Any Contractor submitting a bid for construction of public works or public projects without a Certificate of Responsibility Number is guilty of a misdemeanor. [*Mississippi Code 1972, Annotated*, Section 31-3-21(2)]

If the bid is less than $50,000, a Certificate of Responsibility Number is not required. The bidder must, however, make a *statement* on the outside/exterior of the envelope to the effect that the bid enclosed does not exceed $50,000. [**Mississippi Code 1972, Annotated**, Section 31-3-21(2)]

600.44
NONRESIDENT CONTRACTOR

Preference may or may not be given to resident contractors. [**Mississippi Code 1972, Annotated**, Section 31-7-47] A nonresident bidder domiciled in a state having laws granting preference to local Contractors may be awarded Mississippi public contracts only on the same basis as the nonresident bidder's state awards Contracts to Mississippi Contractors bidding under similar circumstances; and resident Contractors actually domiciled in Mississippi, be they corporate, individuals, or partnerships, are to be granted preference over nonresidents in awarding of Contracts in the same manner and to the same extent as provided by the laws of the state of domicile of the nonresident. For the purposes of this section, a foreign corporation which has qualified to do business in the State, in the manner required by law prior to the advertising for bids, shall be considered to be a resident Contractor. [**Mississippi Code 1972, Annotated**, Section 31-3-21.]

In order to clarify that no law exists, the Bidder will include with the Bid Proposal a statement on letterhead and signed by the same person who signs the *Proposal Form* that no preference laws exists in that state.

600.45
RECEIPT OF BIDS

The date, time and place of the bid opening are stated in the *Advertisement for Bids*. Generally, the Bureau receives bids until 2:00:00 p.m. and opens bids shortly thereafter on Tuesdays and Thursdays, for construction, in the Bureau's office. Furniture and Equipment bids are usually received until 2:00:00 p.m. and opened shortly thereafter on Wednesdays in the Bureau's office.

When mainly local bidding is anticipated, bids may be opened at the Project location. This change will be indicated in the Advertisement for Bids.

It is the responsibility of the Bidder to deliver his sealed bid to the appointed place prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including late delivery by the U.S. Mail, Federal Express, UPS, etc. will disqualify the bid.

600.46

MODIFICATIONS TO BID

Modifications to Bids
* By writing on the outside of the sealed envelope containing the bid

Bids may be modified prior to the bid opening in writing. A facsimile (fax) will not be acceptable.

600.47
OPENING BIDS (added Note for bids after 2:00:00 Dec 2013 SoS)

Bid Agenda
* Name of Bidder
* Certificate of Responsibility Number
* Bid Security
* Base Bid
* Alternate(s)
* Unit prices, if requested
* Number of days for Contract completion
* Acknowledge Addenda
* Subcontracts, if required
* Nonresident law

The Professional will attend the bid opening and furnish a detailed tabulation sheet according to the Bureau's format for recording the bids. [See **Appendix 600**.]

At the appropriate hour, a member of the Bureau Staff will declare the bidding closed. All *proposals* meeting the law will be opened and read.

Note: Any bid received after 2:00:00 p.m. will be photocopied and returned unopened.

Special Note: If only one (1) *Proposal* is received, the *Proposal* may be opened and read.

The Bureau will retain the original *Proposal Form* and the *Bid Bond* on each bid received. One (1) copy of each of these items will be given to the Professional for information purposes only. The Professional will submit to the Bureau a certified tabulation of all *proposals* received, along with a recommendation as to Contract award.

600.48
WITHDRAWAL OF BID

Any *Proposal* may be withdrawn prior to the time specified for receiving bids. If, however, when all *Proposals* have been read and recorded, should a Bidder realize a mistake has been made in the *Proposal* and desires to withdraw the *Proposal*, the Bidder should rise and announce to all present the intention of withdrawing the *Proposal*. All withdrawal requests, after being made verbally, must be made in writing to the Bureau no later than twenty four (24) hours following the bid opening. [**Mississippi Supreme Court** decision, Mississippi State Building Commission et al v. Becknell Construction, Inc. et al, 329 So.2nd 57 (1976)]

The letter of withdrawal should be addressed to the Bureau of Building, Grounds and Real Property Management's Director. It should identify the Project, include the original bid, take-off sheets, and any other supporting documentation to provide proof of error. Failure to include sufficient documentation will be grounds for rejection of the withdrawal request and subsequent loss of the bid security.

600.49
IRREGULARITIES

The Bureau will be the sole judge in determining irregularities, or informalities and render a decision as expeditiously as possible.

600.50
RETURNING BID DOCUMENTS **(see** Instructions to Bidders Bid Document Deposit and Return) (modified Dec 2013; August 2016)

The deposit amount, if any, shall be established as the estimated actual cost of copying and reproduction plus shipping via USPS standard Ground Transportation, ~~is~~ shall be indicated in the Advertisement for Bids. Bidders may request shipping via express carrier or expedited delivery at their own additional cost. Upon returning the documents to the Professional within ten (10) working days of the bid date and in good condition, all document holders will be refunded the full deposit amount. Further, any document holder who is awarded the contract, related subcontracts and/or vendor agreements may elect to retain their documents and request refund of the full deposit amount upon execution of the construction contract and approval of general contractor, however; such documents shall be counted toward the total number of copies furnished free of charge to the general contractor. No partial sets of documents will be issued. Selected trade organizations, plan rooms and web-based distribution networks will be issued one (1) set of documents without charge.

600.51
BID PROTEST (DFA Deputy Director added Dec 2013 SoS)

When all *Proposals* have been read and recorded, should a Bidder wish to protest, the Bidder should rise and announce to all present the protest. All protest, after being made verbally, must be made in writing to the Bureau no later than twenty-four (24) hours following the bid opening.

The letter of protest should be addressed to the Bureau of Building, Grounds and Real Property Management's Director. Any request for reconsideration after BoB Director's ruling shall be addressed to the DFA Deputy Executive Director. It should identify the Project, include what is being protested, why it is being protested, and be signed by the individual who is protesting.

Protestors may be required to appear at the next PPRB meeting and personally present their protest. The Bureau is under no obligation to consider any protest received after twenty-four (24) hours. This includes a protest made by anyone regardless of whether they attended the bid opening.

600.52
NEGOTIATIONS

Negotiations are at the Owner's option. In accordance with House Bill 1172, Laws of 1996: *If the lowest and best bid is not more than ten percent (10%) above the amount of funds allocated for a public construction or renovation project, then the agency or governing authority shall be permitted to negotiate with the lowest bidder in order to enter into a contract for an amount not to exceed the funds allocated.*

600.53
DISQUALIFICATION OF BIDDER

All things being equal, a Contract will be awarded to the lowest and best base bid, or lowest and best combination of base bid and alternates, whichever produces a total within the available funds.

The following list of situations may disqualify a low Bidder from being considered:

1. Failure to comply with the bid requirements.

2. Bidder is in arrears on existing Contracts with the Bureau or another state agency.
3. Bidder is, or anticipates being, in litigation or arbitration with the Bureau or another state agency.
4. Bidder has defaulted on a previous Contract.

600.54
INFORMATION ON BID RESULTS

Information pertaining to the results of any bids may be reviewed on the premises at any time during normal working hours subsequent to the time of the bid opening. This authority may be granted only to any business or person who has submitted bids on the particular Project. Businesses or persons not participating in the process may not be permitted access to any Bid Proposal until after an award is made. After the award is made, all information and Documents applicable to the awarded Contract shall be available to any business or person; provided, however, that no information specified by a participant and approved by the Bureau Staff as proprietary information will be made available to any business or person.

600.55
SUBCONTRACTOR'S LIST (Rule 13 changed to Rule 12 1/2002 to Rule 30-9-802:1.2(8) about 2011 & changed herein Jan 2015 plus subs prior to award) (see also Div 0-5.2.1; Div 1-01010.1.01.F)

The Contractor will submit to the Bureau a list of any Subcontractors, including disciplines and COR #'s over Fifty Thousand Dollars ($50,000.00) to be used on the project prior to contract award. Any Sub-Contractor listed must be acceptable to the Bureau. Additionally, include any Mechanical, Plumbing, or Electrical Sub-Contractor listed on the Proposal Form, regardless of amount. [**Mississippi Code 1972, Annotated**, Sections 31-3-1 through 31-3-23.]

In addition, Rule 30-9-802:1.2(8) of the State Contractor's Rules and Regulations states:

> ....the Prime Contractor on or before the date of being awarded the prime Contract, shall submit to the awarding agency a list of all subcontracts, exceeding Fifty Thousand Dollars ($50,000.00) with respect to public … projects....

600.56
AWARD OF CONTRACT
Normally, the Bureau has forty-five (45) days after the bid opening to award a Contract. The exact days will be stated on the *Proposal Form*.

The Professional will prepare and submit a certified *Bid Tabulation* [See **Appendix 600**.] accompanied by a letter recommending an award to the Bureau and Using Agency. The Bureau will proceed as expeditiously as possible to present the award at the next PPRB meeting.

The Using Agency should notify its Governing Board of the award and the Governing Board should forward its confirmation to the Bureau as soon as possible.

The Professional, Using Agency and Governing Board will be informed in writing of the final action concerning the award made by the PPRB.

600.57
CONTRACT PREPARATION (modified Dec 2013; Jan 2015 re embossed) (see also 600.42, 700.14, 00100, 00600, 00650 regarding Bond info) (see also 700.40 and Div 1 01720 for electronic As-Built Documents)

Following notification by the Bureau that a Contract has been awarded, the Professional will:

1. Prepare within ten (10) working days' time the *Standard Form of Agreement Between the Owner and the Contractor*. (2 weeks changed to 10 working days June 2011)
2. Prepare two (2) sets of Official Contracts and two (2) reduced sets of drawings.
3. Label the front cover *OFFICIAL CONTRACT DOCUMENTS*.
4. The *Contract* should be in the following order and include:
   a. Index
   b. List of Drawings
   c. Advertisement for Bids
   d. Instructions to Bidders
   e. Proposal Form
   f. Standard Form of Agreement Between the Owner and the Contractor
   g. Contract Bond
   h. Power of Attorney
   i. Certificate of Insurance
   j. General Conditions
   k. Supplementary Conditions
   l. Wage Rates, if applicable
   m. Addenda
   n. Division 1: General Requirements
   o. Division 1 Supplements
   p. Division 2: Site Work
   q. Division 3: Concrete
   r. Division 4: Masonry
   s. Division 5: Metals
   t. Division 6: Woods and Plastics
   u. Division 7: Thermal and Moisture Protection
   v. Division 8: Doors and Windows
   w. Division 9: Finishes
   x. Division 10: Specialties
   y. Division 11: Equipment
   z. Division 12: Furnishings
   aa. Division 13: Special Construction
   bb. Division 14: Conveying Systems
   cc. Division 15: Mechanical
   dd. Division 16: Electrical

The following checklist will aid in the Contract preparation: (more detail distributed at bid opening)

1. **Copies**: Two (2) copies will be prepared. (And any additional copies requested by the Bureau – request is distributed at Bid Opening)
   a. Bureau (1)
   b. Contractor (1)
2. **Index**: The contents of the Contract should be listed in the Index to permit easy reference.
3. **List of Drawings**: All Document drawings should be included in the Index.
4. **Dates**: All Documents, including the Contract, the Contract Bond and the Power of Attorney, cannot be dated prior to an award of Contract by PPRB. The Documents must bear the same date and may be dated the day of the PPRB meeting, or any date thereafter.
5. **Contract Form**: The Bureau's *Standard Form of Agreement between the Owner and Contractor* is the **only** Contract form to be used.
6. **Contract Sum**: The Contract sum must be indicated in both words and figures.
7. **Signatures**: All signatures must be original. Photocopies are not acceptable.
8. **Proposal Form**: Insert the *Proposal Form* the Contractor submitted with the Bid and remove the blank form.
9. **Contract Bond**: All projects must have a Contract Bond executed on the Bureau's *Standard Contract Bond Form*. The Bond will be equal to 100% of the Contract amount. All Contract Bonds shall be duly executed by the Bidder, a Surety licensed in Mississippi signed by a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department OR signed by the Surety AND countersigned by a Mississippi Licensed Agent for said Surety approved by the Mississippi Insurance Department with the name and address typed, or lettered legibly. (with Surety's Seal, preferably an embossed seal). http://www.mid.state.ms.us/licapp/search_main.aspx

10. **Power of Attorney**: There must be a certificate indicating that the Power of Attorney is in force at Contract time. (dated the same as the Bond, with Seal, preferably an embossed seal)
11. **Insurance**: The Contractor will furnish the Professional and the Bureau a *Certificate of Insurance* certifying all insurance coverage required by the Contract Documents is in effect.

Once the *OFFICIAL CONTRACT DOCUMENTS* have been prepared, the Professional will obtain the Contractor's (original) signature on both of the Documents and forward them to the Bureau for the Bureau Director's and Attorney General's representative's signatures. Copies will be distributed as indicated in Item 1 above.

The Professional shall, unless waived by the Owner, also submit one electronic format copy of the updated Contract Documents (plans and specifications) in coordination with said Contract Documents mentioned above. Said electronic submittal to be submitted within thirty (30) days after award by the Owner in .pdf format uploaded to Bricks. The Professional shall also provide electronic format copy to Contractor for preparation of As-Built Construction Documents. (Modified Dec 2013 SoS)

Construction Procedures

Section 700

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Contents

700.1
NOTICE TO PROCEED

S A M P L E
Notice to Proceed

The *Notice to Proceed* may be issued immediately after the Bureau Director signs the *Standard Form of Agreement Between the*

April 27, 1999

John Tyler Construction Company
1212 Albertville Road
Sampson, MS 39999

Re: Project # 370-999
'95 Roofing Program
Bureau of Capitol Facilities

Gentlemen:

Attached herewith is your copy of the Contract which as been properly executed. This letter is your authority to proceed with the construction of the above referenced Project. Your Contract starting date is **June 1, 1995**. The Contract requires completion within *ninety (90)* consecutive calendar days; therefore, the completion date is *August 29, 1995*.

The Bureau's Contract requires assessment of Liquidated Damages on Projects not completed within the Contract Time. *Supplementary Condition 9.3.1.4* of the Contract Documents requires each Application for Payment to be accompanied with a letter and supporting data indicating whether or not an Extension of Time is requested.

Please sign and return one (1) copy of this letter to the Bureau office.

Sincerely,
BUREAU OF BUILDING, GROUNDS AND REAL PROPERTY MANAGEMENT

Construction Administrator

CONTRACTOR'S ACKNOWLEDGEMENT:

Contractor's Name

Signed By:_____
Name & Title: _____
Date: _____

Owner and the Contractor. The *Notice* establishes the starting date for construction and a projected date of completion.

The starting date for construction will be coordinated between the Using Agency and the Bureau Project Manager. The projected completion date will be calculated from the starting date in accordance with the number of calendar days stated on the *Proposal Form* and agreed to by the Contractor.

Two (2) ORIGINALS of the *Notice* will be prepared and signed by the Bureau Inspector. These originals will be forwarded to the Contractor who will sign both, return one (1) to the Bureau and keep the other on file. The projected completion date will not change unless an extension is approved through the Change Order process. [See **Appendix 700**.]

700.2
PRECONSTRUCTION MEETING

A Preconstruction meeting will be scheduled prior to the commencement of Work. This meeting may be held prior to the issuance of the *Notice to Proceed*, but no later than fifteen (15) days after the Notice has been issued. The Owner's Project Manager, the Professional and his Consultants, the Contractor, major Subcontractors (including mechanical and electrical), and Using Agency representatives will be in attendance at the Preconstruction meeting.

The Bureau may be responsible for scheduling and administering the Preconstruction meeting. The Contractor or Professional is responsible for providing the following information:

1. Prepare meeting agenda:
    a. Distribute and discuss list of major Subcontractors and construction schedule
    b. Critical work sequencing
    c. Designate responsible personnel
    d. Set procedures for maintaining record documents
    e. Set procedures for using premises, including office and storage areas
    f. Owner's requirements
    g. Security procedures
    h. Housekeeping procedures
2. Distribute written notice of meetings:
    a. Seven (7) days in advance
3. Make physical arrangements for Preconstruction meetings
4. Record minutes
5. Distribute copies of minutes to participants within four (4) days after the meeting.

A *Preconstruction Conference Agenda* is included in **Appendix 700**.

A written agreement will be reached on how all utilities will be furnished and the rates the Contractor will be charged by the Using Agency. This agreement will be resolved at the Preconstruction meeting. If the written agreement is not reached, the Contractor and Using Agency waive all rights as to the rates charged. The Owner will then determine all utility rates and assess the charges before final payment is rendered.

700.3
CONSTRUCTION SCHEDULE

The Contractor will furnish the Owner and Professional with two (2) copies of a construction schedule for the entire Work within fifteen (15) days after the issuance of the *Notice to Proceed*. This schedule will be revised each month and forwarded to the Owner and Professional each time.

700.4
SCHEDULE OF VALUES

A *Schedule of Values*, typewritten on AIA Document G702A, will be submitted by the Contractor to the Professional at least ten (10) days prior to submitting the first Application for Payment. Upon the Professional's request, the Contractor may be asked to support the values stated on the Schedule with data substantiating their correctness.

700.5
PRODUCT LISTING

Within thirty (30) days after the signing of the *Contract, the Contractor will submit to the* Professional five (5) copies of a complete list of all products which are proposed for installation. The list should be tabulated by specification section.

Product List
* Manufacturer's name and address
* Trade name
* Model or catalog designation
* Manufacturer's data
* Performance and test data
* Reference standards

Within thirty (30) days after the signing of the Contract, the Contractor will submit to the Professional five (5) copies of a list indicating all products he proposes for substitution. This list should include:

1. Complete information substantiating the substituted product meets the specifications
2. Product:
   a. Product identification (name and address)
   b. Manufacturer's literature (product description, performance/test data, reference standards)
   c. Samples
   d. Name and address of similar projects on which product was used and date of installation
3. Construction Methods:
   a. Detailed description of proposed method
   b. Drawings illustrating methods
4. Itemized comparison of proposed substitution with product or method specified
5. Data relating to changes in construction schedule
6. Accurate cost data on proposed substitution in comparison with product or method specified

700.6
OWNER/PROFESSIONAL/CONTRACTOR RELATIONSHIP

The Professional will be the Owner's representative during construction and until the expiration of the Warranty period. The Professional will make on-site inspections as necessary to protect the interest of the Owner and to guard the Owner against defects and deficiencies in the Work of the Contractor. All instructions to the Contractor will go through the Professional.

The Owner is also represented by the Bureau's Project Manager who make regular on-site inspections of the Work. If the Using Agency is occupying the building during construction, the Project Manager will coordinate with the Contractor and Using Agency a schedule for vacating areas as the Contractor requires.

The Contractor's Superintendent is responsible for the coordination of the total construction Project. All Subcontractors will cooperate with the Superintendent so as to facilitate the progress of the Work. Each trade will afford all other trades every reasonable opportunity for the installation of their work. The Contractor will receive all instructions from the Professional.

700.7
OWNER/CONSTRUCTION PROJECT REPRESENTATIVE

Depending upon the size of the Project, the Bureau may request the Professional to hire a full-time *Construction Project Representative* to be physically present at the Project site during normal construction hours each week. The Professional will provide, select and compensate the *Representative* upon the approval of the Bureau. The duties of the *Construction Project Representative* shall include, but not be limited to, the following:

1. Assist the Contractor in obtaining interpretation of the Contract Documents from the Professional
2. Conduct daily on-site inspections to determine conformance with the Contract Documents in regard to Work, Materials, Equipment, etc.
3. Request additional details and/or information from the Professional when needed by the Contractor
4. Evaluate suggestions and/or modifications submitted by the Contractor and transmit these to the Professional with recommendations

5. Anticipate problems, when possible, which may create delays and problems in construction and report these to the Contractor and the Professional for solutions
6. Maintain official relationship only with the General Contractor's Job Superintendent(s) and communicate problems regarding Subcontractors
7. Attend all required construction conferences and participate actively in discussions regarding the Project
8. Conduct tests and inspections authorized by the Professional and as required by the Contract Documents and record results
9. Maintain a daily log of Project activity which include, but are not limited to: hours on the job site, weather conditions, daily construction activity, number of men in each trade on the site, general observations, written and verbal directives to the Contractor and visits of governmental officials
10. If, upon inspection or observation, Work is found not in accordance with Contract Documents, advise the Professional verbally and in writing. Consult with the Professional for directions if the Contractor does not correct the Work
11. See that testing and inspections performed by others are in compliance with Contract Documents
12. When requested, accompany all Using Agency, State of Federal officials on construction inspections and record in the daily log
13. Cooperate with the Bureau Staff Architect and Inspector and provide all requested Project information
14. Maintain in an orderly manner all files, correspondence, reports, shop drawings, samples, Contract Documents, Change Orders, Addenda, supplementary drawings, and daily log
15. Review requisitions for payment submitted by the Contractor and transmit to the Professional with recommendation for payment
16. Participate in construction inspections with the Professional's Project Director, including regular intervals and substantial completion; provide information regarding completed or defective Work
17. Refer all communications from the Using Agency to the Bureau's Staff Architect and Inspector
18. Copy the Bureau's Staff Architect and Inspector on all correspondence relating to the Project
19. Review plans, specifications and shop drawings on a regular basis
20. Advise Contractor and Professional of Work being performed with unapproved shop drawings required by Specifications
21. Check Materials and Equipment delivered to job site against approved specifications, samples, shop drawings and related correspondence; if in conflict, notify Professional
22. Check that Contractor is maintaining record notated drawings of as-built conditions, when as-built drawings are specified
23. When necessary, act as liaison between the Contractor and the Using Agency in coordinating the occupation of the facility

The *Construction Project Representative* is not authorized to:

1. Authorize deviations from the Contract Documents without approval by the Professional
2. Expedite the Work for the Contractor(s)
3. Advise the Contractor on building techniques or scheduling
4. Approve shop drawings
5. Issue Certificate for Payments
6. Approve substitutions
7. Interpret the Contract Documents except when obviously clear
8. Approve Change Orders

The *Construction Project Representative* should not:

1. Enter into disputes or problems between Subcontractor and Subcontractor
2. Enter into disputes or problems between General Contractor and Subcontractor
3. Offer gratuitous advice to Contractor or Subcontractor(s) on performance of Work whether solicited or not
4. Communicate with the Using Agency's representative in any official way other than noted above
5. Make vague and unclear log entries as to the Acceptability of the Contractor's Work
6. Order a stoppage of Work except in cases of extreme emergencies

700.8
CONTRACTOR'S DUTIES & RESPONSIBILITIES

1. Provide and pay for:
    a. Labor, materials and equipment
    b. Tools, construction equipment and machinery
    b. Water, heat and utilities required for construction
    c. Other facilities and services necessary for proper execution and completion of the Work

2. Pay legally required sales, consumer, use, payroll, privilege and other taxes

3. Secure and pay for, as necessary for proper execution and completion of the Work, and as applicable at the time of receipt of bids:
   a. Permits
   b. Government fees
   c. Licenses
4. Give required notices
5. Comply with codes, ordinances, rules, regulations orders and other legal requirements of public authorities which bear on performance of the Work
6. Promptly submit written notice to the Professional of observed variance of Contract Documents from legal requirements. It is not the Contractor's responsibility to make certain that drawings and specifications comply with codes and regulations; appropriate modifications to Contract Documents will adjust necessary changes; the Contractor assumes responsibility for the Work known to be contrary to such requirements, without notifying the Professional
7. Enforce strict discipline and good order among employees; do not employ or work unfit persons, or persons not skilled in assigned tasks
8. Responsibility toward Owner-furnished products:
   a. Designate required delivery date for each Project in construction schedule
   b. Promptly inspect delivered products, report missing, damaged, or defective items
   c. Handle at site, including uncrating and storage
   d. Protect from exposure to elements, from damage
   e. Repair or replace items damaged as a result of Contractor's operations
   f. Install and make final connections
9. Contractor should confine the use of the premises to areas permitted by law, ordinances, permits, Contract Documents and the Owner's instructions:
   a. Do not unreasonably encumber the site with materials, or equipment
   b. Do not load structure with weight which will endanger structure
   c. Assume full responsibility for protection and safekeeping of products stored on premises
   d. Move any stored products which interfere with operations of Using Agency, or Subcontractors
   e. Obtain and pay for use of additional storage or work areas needed for operations
   f. Limit use of site for work and storage to the area indicated on the Contract drawings

700.9
CONTRACTOR'S PROJECT COORDINATOR

Regardless of the size of the Project, the Contractor will designate one (1) individual as Project Coordinator, or Superintendent, prior to the beginning of the Work. His name and qualifications will be submitted, in writing, to the Professional and Owner for approval. Upon approval, the Superintendent will remain until the Project is complete. He cannot be removed during the Construction Phase without the written consent of the Owner and the Professional.

Duties of the Superintendent include:

1. Coordinating the work of all Subcontractors and Material Suppliers
2. Supervising the every day work taking place on the Project
3. Establishing lines of authority and communication on the job site
4. Being present on the job site at all times
5. Obtaining building and special permits required for construction
6. Consulting with the Professional to obtain interpretations of the Contract Documents
7. Assisting in resolution of questions
8. Transmitting written interpretations to all concerned parties
9. Stopping all work not in accordance with the Contract Documents
10. Presiding at all Progress meetings
11. Preparing and submitting all construction schedules
12. Assisting in preparation of each entry in the Schedule of Values
13. Coordinating any testing
14. Monitoring all temporary facilities
15. Administering the process of all substitutions
16. Conducting final inspections
17. Assisting in collection and preparation of closeout documents
18. Maintaining up-to-date Project record documents

19. Enforcing all safety requirements
20. Recommending and assisting in preparation of requests to Professional for changes to Contract

700.10
OWNER'S RELATIONSHIP TO SUBCONTRACTORS

The Owner's contractual agreement is with the Contractor. The Subcontractor's contractual agreement is with the Contractor. Therefore, the Owner has no direct contractual agreement with the Subcontractor and is not under any legal obligation to the Subcontractor.

However, the Owner does expect the Contractor to promptly pay each Subcontractor and Material Supplier, upon receipt of payment from the Owner. In turn, each Subcontractor should make payments to his Subcontractors and Material Suppliers in similar manner.

The amount retained by the Contractor from each payment to each Subcontractor will not exceed the percentage retained by the Owner from the Contractor.

700.11
COMPLAINTS FROM SUBCONTRACTORS

Since, there is no written contractual agreement between the Bureau and the Subcontractor, the Subcontractor has a direct Contract with the Contractor to perform a portion of the Work at the site. This Contract should be in writing for validity. The Subcontractor should assume toward the Contractor all the obligations and responsibilities which the Contractor, by the Contract Documents, has towards the Owner with respect to the Work to be performed by the Subcontractor. The Subcontractor, unless specifically provided otherwise in the subcontract agreement, is allowed the same benefit of rights, remedies and redress against the Contractor that the Contractor, by the Contract Documents, has against the Owner.

Should the Contractor fail to carry out the subcontract agreement with the Subcontractor, the Bureau, acting as Owner, is not bound by law to intercede. The Subcontractor should contact the Contractor's Bonding Company directly for redress. The Bureau does, however, request a copy of any complaint submitted by a Subcontractor regarding a current Contractor.

700.12
EQUAL OPPORTUNITY EMPLOYER

The Contractor and all Subcontractors will not discriminate against any employee or applicant for employment because of race, religion, color, sex, national origin or age. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices setting forth the policies of nondiscrimination.

700.13
LABOR LAW COMPLIANCE

If the Project requires compliance with the Davis-Bacon Act, the Contractor will agree to all terms and conditions of this act. In addition, on federal and federally assisted construction Projects, the Contractor agrees to abide by all the terms and conditions of the labor standards for ratios of apprentices and trainees to journeymen.

700.14
CONTRACTOR'S INSURANCE (amended Aug-Dec 2013 SoS) (see also 00100, 00600, 00650, 600.42, 600.57.9)

The Contractor will pay for and maintain all insurance required by the Owner during the entire construction period. If for any reason, the Contractor allows the insurance to lapse or be canceled, construction will be stopped until insurance has been renewed and the Owner notified in writing by the insurance company. The insurance company will notify the Owner, thirty (30) days prior to cancellation of the policy. Insurance Provider Companies AND Agent signing Certificate must be approved by the Mississippi Insurance Department on their web at http://www.mid.ms.gov/licapp/search_main.aspx. (Agent does not have to be on the MID web "for providers necessarily" – but must be a Mississippi Licensed Agent and an approved Agent on MID web. Easier to locate Agent at MID when name agrees with MID licensed name.)

700.15
ALLOWANCES

Allowances may be purchased under the direction of the Professional who should consult with the Contractor regarding the products and suppliers when making selections and designating products to be used. The Professional should notify the Contractor and the Owner in writing of the decisions made regarding these allowances. The amount of each allowance should include:

1. Net cost of product
2. Delivery and unloading at the site
3. Applicable taxes
4. Handling at site, including uncrating and storage
5. Protection from elements, from damage
6. Labor, installation and finishing
7. Other expenses required to complete installation
8. Overhead and profit

The Contractor should assist the Professional by obtaining a minimum of two (2) proposals from Suppliers when requested by the Professional. When selections have been made, the Contractor should enter into a purchase agreement with the designated Supplier.

Should the actual purchase cost be more, or less, than the specified allowance amount, the Contract will be adjusted by Change Order equal to the amount of the difference.

700.16
CONSTRUCTION TESTING

Any soil investigations conducted by the Professional during the Planning Phase may be examined at the Professional's office by the Contractor for information purposes only and is not a Warranty of subsurface conditions. The Contractor may make his own investigations to satisfy himself with the site and subsurface conditions prior to bidding and at his own cost. Further, the Contractor will bear all cost of testing, inspections, etc. during the Construction Phase.

700.17
PROGRESS MEETINGS

The Bureau will schedule regular Progress meetings at the time of the Pre-construction Conference where the Owner's Project Manager, Professional and his Consultants, and Subcontractors pertinent to the agenda will attend. The Contractor will prepare the agenda to include:

1. Review, approve minutes of the previous meeting
2. Review work progress since last meeting
3. Note field observations, problems and decisions
4. Identify problems which impede planner progress
5. Review off-site fabrication problems
6. Revise construction schedule as indicated
7. Plan progress during the next work period
8. Review proposed changes
9. Complete other current business
10. Review application for payment submitted by the Contractor

700.18
TEMPORARY FACILITIES/SERVICES

When the Contractor sets up temporary construction facilities and services, he will be expected to meet, or exceed, the requirements established in the current edition of the *Standard Building Code*. In addition, he shall provide the following:

1. **Access**: An adequate access and/or roads to the site of the structure; at least one (1) temporary or permanent access to each working elevation.
2. **Hoisting Facilities**: Suitable capacity and hoisting facilities for all people and materials.
3. **Field Office and Sheds**: Weatherproof office with telephone.
4. **Sanitation Facilities**: Temporary toilet facilities.
5. **Drinking Water**: Drinking water facilities for all workmen, including icing, when required, paper cups, etc., all maintained in a sanitary condition.
6. **Fire Protection**: Temporary fire protection.
7. **Storage**: Storage areas to various Subcontractors.
8. **Temporary Heat**: Heat, fuel and services, as necessary, to protect all work from dampness and cold until final acceptance.
9. **Utilities**: Furnish water, electricity (lighting and power) and other utilities necessary for construction purposes.

700.19
PROJECT SIGN (new State Seal per Legislature July 1, 2014) (See Div 1 Ex B)

The Contractor will erect on adequate supports and maintain one (1) neatly constructed and painted 3/4" thick plywood sign approximately four feet by eight feet (4' x 8'). The Professional will provide the colors, letters, layout and location of the sign.

No other signs will be displayed on the job site without permission of the Professional. The displaying of sign advertisements is strictly prohibited.

700.20
CHANGE ORDERS

All changes in the Work, except those of a minor nature, consisting of additions, deletions or other revisions adjusting the Contract Sum and/or the Contract Time will take the form of a written *Change Order*. Suggested changes may originate from the Professional, the Contractor, the Bureau, or the Using Agency and must be prepared using the Bureau's *Standard Change Order Form*. [See **Appendix 700**.] Letters from the Professional, Contractor, or Using Agency requesting changes to the Contract will not be considered. Only when a *Change Order* is submitted on the appropriate Bureau form will it be considered.

Special Note: Subcontractors may not originate a *Change Order* because there is no contractual relationship between the Bureau and the Subcontractor.

If recommended changes to the Contract are proposed by the Professional or Contractor and the Bureau's Project Manager concurs these changes are needed, the Professional will issue a detailed description of the changes with the necessary Drawings and specifications to the Contractor. The Contractor will prepare and submit an estimate of the cost and Time Extension, if any, to the Professional within ten (10) days. The Contractor should include a price and justification for each task to be accomplished. As a reminder, the maximum cost included in a *Change Order* for profit and overhead is twenty percent (20%) of the total of the actual cost for Materials, Labor and Subcontractors. [See **Division 0**, page 00800-21.]

The Contractor's cost and/or Time documentation should include, but is not limited to, the following: quantities of product, labor, and equipment; taxes, insurance and bonds; overhead and profit; weather charts; credit for deletions from Contract; Time records and wage rates; quotation(s), etc.. If Drawings or Specifications are noted on the *Change Order Form*, these should be attached as documentation. In addition, statements, such as *Owner requested* or *Using Agency requested*, will not be sufficient justification. Written requests by the Owner or Using Agency must be attached for confirmation.

After the Professional has prepared the five (5) **original** *Change Orders*, detailing the need, justification and attaching all necessary Specifications and Drawings, the Professional will sign all five (5) originals certifying the *Change Order* has been examined and analyzed, found to be in order and the cost reasonable. The Contractor will sign all five (5) originals certifying agreement. Afterward, the *Change Order* will be submitted to the Bureau Director for consideration. (see also Div 1 01028.E.)

If sufficient funds are available and it is in the best interest of the Project for the *Change Order* to be approved, the Bureau Director acting as the Owner will sign and approve the changes. Two (2) of the originals will remain with the Bureau; the others will be forwarded to the Professional for distribution:
one (1) to the Contractor, one (1) to the Professional; and, one (1) to the Using Agency. All Change Orders will become a part of the *Standard Form of Agreement Between the Owner and the Contractor*.

700.21
MINOR CHANGES TO THE WORK

The Professional will use AIA Document G710, *Architect's Supplemental Instruction*, to record verbal modifications to the Work not involving a change in the Contract Sum or the Contract Time.

700.22
CONTRACTOR'S MONTHLY REQUEST (modified Jan 2015=4 copies to original & 1 copy)

The Contractor's requests for periodic and final payments will be submitted to the Professional for approval using AIA Document G720 and G702A entitled *Application and Certificate for Payment*, or a computer generated form having the same format and containing the same information. Before submitting, the Contractor will have the application for payment notarized in accordance with the statement on the application form.

Based on inspections at the site and the Contractor's application for payment, the Professional will certify on the form, by his signature, that the Contractor is entitled to payment in the amount certified. The application and certificate for payment will be delivered to the Bureau as an original and one (1) copy. (see also Div 1 01027 1.02.C.1.)

700.23
EXTENSION OF TIME NOTIFICATION

The Contractor must submit with each *Application and Certification for Payment*, or computer generated form, a separate letter stating an Extension of Time for that period of Time is or is not needed. No payment on a monthly application will be made until the letter is received. Complete justification such as weather reports or other pertinent correspondence must be included for each day's request for extension. A Contractor's letter or statement will not be considered as adequate justification. The receipt of this request and data by the Bureau will not be considered as the Bureau's approval in any way. When fifteen (15) days of lost construction time are accumulated, a change order must be prepared and, only upon the Bureau's approval, will the Time Extension be given.

700.24
PAYMENTS ON MATERIALS STORED OFF-SITE

The *Supplemental Conditions* (Article 9, Paragraph 9.3.2.1) provides for payment on materials stored at some location other than the building site, if agreed upon in writing. The Bureau normally requires several items to be furnished prior to approving payment on materials stored off-site. They are as follows:

1. An acceptable *Lease Agreement* between the General Contractor and the Owner of the land, or building where the materials are stored covering the specific area where the materials are stored. [See **Appendix 700**.]
2. *Consent of Surety* or other acceptable bond to cover the materials stored off-site.
3. All perils insurance coverage for the full value of the materials stored off-site.
4. A Bill of Sale from the manufacturer to the general Contractor for the store materials.

5. A warehouse receipt which is a complete list and inventory of materials manufactured, stored and delivered to the storage site. A receipt for materials removed from the storage site and delivered to the job site.
6. A review by the Professional of the materials at the off-site storage before release of payment.
7. Guarantee no storage costs, or additional delivery fees, or other subsequent costs to the Owner.

700.25
PROFESSIONAL'S REQUESTS FOR PAYMENT (modified Dec 2013 SoS; Jan 2015 4 copies to original & 1 copy)

The Professional's requests for payment for fees earned during the Planning Phase will be in accordance with stipulations in the *Standard Agreement Between the Owner and the Professional*. During the Construction Phase, however, progress payments will be submitted periodically and will be based on the current percentage requested by the Contractor. All requests will be submitted as an original and one copy of the Bureau's *Professional's Application for Payment Form*. [See **Appendix 700**.]

If the *Standard Agreement Between the Owner and the Professional* requires the Professional to provide one (1) complete set of updated As-Built Construction Documents, the Professional may not receive final payment until the updated As-Built Construction Documents / reproducibles, or equivalent in .pdf format, have been received by the Bureau. (Dec 2013 SoS) (see 600.57 and 700.40)

700.26
PROGRESS PAYMENTS (Code revised 60 days to 45 days July 1, 2006)

The Bureau has by statute forty-five (45) days to process payments; however, Bureau Staff attempt to process progress payments to Contractors and Professionals in a minimum of fifteen (15) working days from the date of receipt and approval by the Bureau until the issuance of a check. [**Mississippi Code, 1972 Annotated**, Section 31-5-25]

700.27
LUMP SUM PAYMENTS

On small repair and renovation projects where the dollar volume is not sufficient to require periodic requests for payment, the Contractor will submit only one (1) request for payment at the completion and upon acceptance of the Work. Such single payment will be noted in the Bid Documents.

700.28
RETAINAGE (Supplementary Condition 9.3.1.3) (modified Dec 2013 SoS per 2/18/10 Addendum 1 per Code)

Mississippi Code § 31-5-33. Amount of retainage which may be withheld;

(1) *In any contract for the construction, repair, alteration or demolition of any building, structure or facility awarded by the State of Mississippi, . . . which contract provides for progress payments in installments based upon . . . percentage of . . . such retainage shall be* ***five percent (5%)*** *. . .*

On any contract . . . of which the total amount is ***Two Hundred Fifty Thousand Dollars ($250,000.00)*** *or greater, or* ***on any contract with a subcontractor, regardless of amount, five percent (5%)*** *shall be retained until the work is at least fifty percent (50%) complete, on schedule and satisfactory in the architect's and/or engineer's opinion, at which time fifty percent (50%) of the retainage held to date shall be returned . . . for distribution to the appropriate subcontractors and suppliers. Provided, however, that future retainage shall be withheld at the rate of* ***two and one-half percent (2 ½%).*** When submitting request for reduction in retainage, the Contractor will include, with the application, a Consent of Surety to Reduction which is AIA Form G707A, and a Power of Attorney.

700.29
SECURITIES IN LIEU OF RETAINAGE

Mississippi Code 1972, Annotated, Section 31-5-15, provides that in all public contracts the Contractor may withdraw the whole or any portion of the amount retained from payments due the Contractor by depositing an acceptable security with the State Treasurer in an amount equal to the amount of retainage to be withdrawn. Securities may be in the form of:

1. U.S. Treasury Bonds
2. U.S. Treasury Notes

3. U.S. Treasury Certificates of Indebtedness
4. U.S. Treasury Bills
5. State of Mississippi Bond or Notes
6. Bonds of any political subdivision of the State of Mississippi
7. Certificates of deposit issued by commercial banks located in Mississippi and meeting additional criteria
8. Certificates of deposit issued by savings and loan associations located in the State of Mississippi and meeting additional criteria

The State Treasurer can advise Contractors of procedures for depositing securities. A letter of release from the Contractor's surety and a copy or copies of the State Treasurer's securities receipt covering the deposit of securities must be on file with the Bureau before retainage will be released. Substitution of securities may be necessary from time to time because of maturities and increased withdrawal of retainage. Evidence of these transactions must be on file with the Bureau. The Bureau will notify the State Treasurer of the amount of securities required. The Treasurer will accept additional securities for a Project and accept the substitution for securities already on deposit, but will not release securities without written notification to do so by the Bureau's Director.

Professionals approving applications for payment should be advised by the Contractor of these deposits of securities and a copy of the Treasurer's receipt should be provided for his files.

700.30
RELEASE OF RETAINAGE

Retainage will be released on progress payments as perscribed in Section 00800 Supplementary Conditions, Article 9, Paragraph 9.3.1.3. The balance of retainage, except that amount withheld for incomplete items, will be released at any of the following occurrences: [**Mississippi Code 1972, Annotated**, Section 31-5-25(b):

1. Occupancy by the Using Agency.
2. Substantially complete as recommended by the Project Professional and approved by the Owner.
3. Final Acceptance.

700.31
REQUEST FOR ASSIGNMENTS

At times, the Department of the Treasury's Internal Revenue Service has served a *Notice of Levy* to the Bureau against the Professional and/or the Contractor for delinquent federal taxes. According to the *Notice*:

Chapter 64 of the Internal Revenue Code provides a lien for taxes and statutory additions. Notice and demand, as required by the Internal Revenue Code, has been made, and the taxpayer has neglected or refused to pay. The amount is still due, owed and unpaid. All property, rights to property, money, credits, and bank deposits currently in the [Professional's and/or Contractor's] possession and belonging to this taxpayer (or for which the Bureau is obligated) and all money or other obligations the Bureau owes this taxpayer, are levied upon for payment of the tax, plus all additions provided by law. Demand is made on the Bureau either to pay this tax liability or pay any smaller amount that the Bureau owes the taxpayer.

The Bureau will pay directly to the Internal Revenue Service the amount indicated on the *Notice of Levy*, but in no case any more than what is earned and due to the Professional and/or Contractor. This action will be recorded on the Bureau's *Standard Approval Form*s.

700.32
DEFAULT OF CONTRACT

If the Contractor defaults on the *Standard Form of Agreement Between the Owner and the Contractor* for any of the reasons listed in the *General Conditions*, Article 14, Paragraph 14.2, the Bureau will cease payment to the Contractor and notify the Contractor's Bonding Company and seek satisfaction.

700.33
LIQUIDATED DAMAGES

700.33
LIQUIDATED DAMAGES (modified Dec 2013 SoS)

All Projects will require liquidated damages unless the Bureau records the deletion of said liquidated damages and gives written notice to the Professional.

The Professional should contact the Bureau's staff to determine if liquidated damages are required and agree on the amount stated in the *Standard Form of Agreement Between the Owner and the Contractor.*

700.34
ASSESSMENT OF LIQUIDATED DAMAGES

A recommendation will be made by the Professional covering the assessment of damages on any Project running past the completion date and accumulating liquidated damages. The Bureau will, at final closing, assess and enforce liquidated damages on any Project running past the completion date and does not have a Change Order approving an extension of Time.

The Bureau will record the amount of the liquidated damages on the Bureau's *Standard Approval Form* and deduct this amount from the Contractor's final payment. The Bureau will notify the Contractor of the assessment of liquidated damages.

700.35
FINAL INSPECTION

Upon completion of the Project, the Contractor will notify the Professional who will make an inspection and compile a list of deficiencies. If, in the Professional's judgement the Project is not ready for final inspection, another inspection will be scheduled.

The Owner's inspection will follow after all known deficiencies have been corrected and the Professional determines the Project is ready. The Professional will call for a group inspection of the Project with the Bureau, the Using Agency, and its governing board for the express purpose of determining the Contractor's compliance with the Contract Documents.
It is the responsibility of the Professional to determine, arrange and notify those needing to be present of the date, place and time of the final inspection including all applicable federal governmental agency representatives. The date and time of the final inspection will be set for the convenience of the Bureau, the Using Agency and its Governing Board.

One (1) week prior to the final inspection, written notice will be furnished to all parties listed above. The Professional will conduct the final inspection in the presence of those listed above and will tabulate a complete list of defects or discrepancies, if any, to be correction by the responsible parties.

Copies of the *punch list* will be furnished to all parties concerned. Once the corrections are made, the Professional will schedule a second inspection at the convenience of the Bureau. Final inspection will not be scheduled until all Work is completed or unless otherwise approved by the Bureau in writing. Upon completion of all punch list items, the Professional will provide a letter recommending acceptance to the Bureau with a copy to the Using Agency and its Governing Board.

700.36
SUBSTANTIAL COMPLETION

A *Certificate of Substantial Completion* will not be issued unless the Using Agency occupies the facility prior to final completion. The date recorded on the *Certificate* will begin the Warranty period.

700.37
DATE OF ACCEPTANCE

If a *Certificate of Substantial Completion* is not issued, then the date of final acceptance recorded by the Bureau on its *Standard Approval Form* will be the date beginning the Warranty period.

700.38
OCCUPANCY

The Using Agency will not occupy any portion of the Project without prior approval of the Bureau.

700.39
INSURANCE

Builder's Risk Insurance may not be canceled by the Contractor until final written acceptance by the Bureau, or occupancy by the Using Agency.

700.40
CLOSEOUT DOCUMENTS (amended Dec 2013 SoS) (see also 600.57 and Div 1 01720 for electronic As-Built Documents)

1. Application for Payment (AIA Form G702)
2. Consent of Surety Company to Final Payment (AIA Form G707) . [**Mississippi Code 1972, Annotated**, Section 87-7-3]
3. Power of Attorney
4. Contractor's Affidavit of Release of Liens (AIA Form G706A)
5. Contractor's Affidavit of Payment of Debts and Claims (AIA Form G706) [**Mississippi Code 1972, Annotated**, Section 87-7-5]
6. Contractor's Guarantee of Work (Company Letterhead)
7. Roof Bonds, Warranty
8. Product Manuals
9. The Contractor shall, unless waived by the Owner, also submit one electronic format copy of the updated As-Built Construction Documents in coordination with the project Close-Out Documents. (Sept-Dec 2013 SoS electronic format replaced by Bricks uploads) (see 600.57 and Div 1 01720)

700.41
CONTRACTOR'S FINAL PAY REQUEST

When submitting request for final payment, the Contractor will include with the application all the above mentioned closeout documents.

700.42
GENERAL
A *Notice of Publication of Final Settlement* will be published by the Bureau after a Project has been accepted by the Bureau and the final payment has been made. The *Notice* is published one (1) time in a newspaper having a general circulation in the county where the Project is located. If the Project is $10,000 or less, a *Notice* is not published. [**Mississippi Code 1972, Annotated**, Section 31-5-53]

700.43
FORM

A sample of the *Notice of Publication of Final Settlement* is as follows:

LEGAL NOTICE

NOTICE OF PUBLICATION OF FINAL SETTLEMENT

Notice is hereby given that the Contract between the Office of General Services, Bureau of Building, Grounds and Real Property Management, of the State of Mississippi - Jackson, Mississippi, on the one part, and *(Contractor's Name)* of *(City/State)* on the other part dated *(Award Date)* for

Project #_____
Project Title_____
Institution/Agency/Department_____

in or near the Town of *(Project Location)* in *(County)*, Mississippi has fully and completely performed and final settlement therefore has been made or authorized to be made as shown by this advertisement published at the request of the Office of General Services, Bureau of Building, Grounds and Real Property Management.

This Notice is given under the provisions of Section 31-5-53, **Mississippi Code of 1972, Annotated**.

Dated this the *(Day)* day of *(Month)*, 20*(Year)*.

OFFICE OF GENERAL SERVICES
BUREAU OF BUILDING, GROUNDS AND
REAL PROPERTY MANAGEMENT

_____
Director

700.44
WARRANTY PERIOD

If, within the period of one (1) year after the Bureau's date of substantial completion or final acceptance of the Work, any of the Work is found to be defective or not in accordance with the Contract Documents, the Using Agency will inform the Bureau who will instruct the Contractor, through the Professional by written notice, to promptly correct faulty workmanship and materials.

The Bureau will be notified in writing by the Using Agency if the Contractor fails to respond promptly. The Contractor is not responsible for maintenance during the one-year Warranty period. It is the responsibility of the Using Agency to determine if corrective action is required because of faulty maintenance or faulty construction workmanship and materials.

The Using Agency is to request action on the part of the Contractor only in those areas where responsibility lies with the Contractor.

The Contractor is not responsible for any actions taken by the Using Agency if a Warranty is voided by inappropriate actions. The Using Agency should take care in its routine maintenance not to void any Warranties.

700.45

YEAR-END INSPECTION

Thirty (30) days prior to the end of the one-year Warranty period, the Professional will notify the Bureau, the Using Agency, its Governing Board, Consultants and all prime Contractors of the date and time of the year-end inspection.

At this inspection, those items of Work which are the Contractor's responsibility needing attention will be listed. This list will be distributed by the Professional to each of the parties in attendance at the inspection. The Professional is responsible for notifying the Bureau when all items listed have been corrected. If the Contractor fails to take corrective action, the Using Agency should so inform the Bureau in writing.

If the Contractor does not take action in correcting the items listed after the inspection, the Contractor's Bonding Company will be contacted for satisfaction. No further Contracts will be issued to the Contractor until the problems have been solved.

Furniture & Equipment

Section 800

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SECTION 800: FURNITURE & EQUIPMENT

800.1
LEGISLATION

The purchase of furniture and equipment will be directly addressed through legislation; therefore, the following procedures have been developed by the Bureau as guidelines for the acquisition of furniture and equipment.

Every attempt will be made by the Bureau to adhere and abide by the Procurement Manual issued by the Department of Finance and Administration's Office of Purchasing and Travel, which is an exhaustive presentation of procedures relative to purchasing by all state entities. However, the Bureau is a contracting agency rather than a regulatory agency and some deviations will be made.

800.2
BUREAU'S RESPONSIBILITIES

The Bureau Staff assigned to work with the Using Agency will be responsible for coordinating all aspects of the purchase of furniture and equipment, including liaison between the Using Agency, Professional (if one is hired) and the Vendor. In addition, the Bureau Staff will verify deliveries and authorize payments.

Responsibilities
* Bureau's
* Using Agency's
* Professional's

800.3
USING AGENCY'S RESPONSIBILITIES

The Using Agency personnel assigned to work with the Bureau Staff will be responsible for compiling the list of furniture and equipment needs for the proposed purchase(s) as outlined in Section 800. In addition, the Using Agency may be asked to prepare specifications and compile the actual Bid Documents and eventual Contract(s). Responsibilities will be determined and agreed upon during the initial planning stage.

800.4
PROFESSIONAL'S RESPONSIBILITIES

If a Professional is hired by the Bureau to prepare Specifications, Bid Documents and Contracts, the Professional will work under the supervision of the Bureau Staff. In addition, the Professional will be responsible for coordinating delivery and verifying acceptability of delivered goods.

800.5
EMERGENCY PROCUREMENT

Emergency procurement of furniture and equipment will follow the same guidelines outlined for construction in Section 200.

800.6
DOCUMENT PREPARATION

Bid Documents may be prepared by one of the following:

1. Bureau Staff: may be responsible for preparing the specifications for the furniture and equipment needs of a Using Agency. In this case, the Bureau Staff will prepare the Bid Documents for printing and distribution.
2. Using Agency: may be responsible for preparing the specifications for the furniture and equipment needs. In this case, the Using Agency will prepare the Bid Documents for printing and distribution.
3. Professional: may be hired by the Bureau to prepare the specifications for the furniture and equipment needs of a Using Agency. In this case, the Professional will prepare the Bid Documents for printing and distribution.

800.7
USING AGENCY'S PRELIMINARY LIST

The Using Agency should assign staff members directly involved with the construction project (i.e., Physical Plant personnel) or involved with daily purchasing (i.e., Purchasing Department personnel), to assist with a specific Furniture & Equipment Project. The responsible Bureau Staff will work with the assigned Using Agency Staff during the entire Project.

Six (6) months prior to occupancy, the Using Agency should begin compiling a Preliminary List of all anticipated furniture and equipment needs. [See Appendix 800.] This List should be as complete as possible and include:

Preliminary List 1 Furniture: Desks, chairs, tables, shelving, filing cabinets, hospital
* Furniture beds, wardrobes, et al.
* Equipment
* 2 Equipment: Video, communication, audio, educational, specialties,
* Location mattresses, et al.
* Quantity
* 3 Location: Office, classroom, patient, administrative, lobby, clinical.
* Dimensions
* 4
* . Quantity: Number of each item requested.
* Source
* 5 Dimensions: 3'x6' executive desk, 3'x15' conference table, regular or legal file cabinets.
6 Source: Sole source, State Contract, Written Quote, Exemption,
Bid. When preparing the Preliminary List, the Using Agency should divided the items into categories briefly described below:

1. Non-purchasable Items: Office supplies, chemicals, commodities, diskettes, bulletin boards, garbage cans, calculators, typewriters, restocking warehouses, vehicles, copiers, religious objects, et al.
2. Sole Source Items: Items obtained from only one source.
3. State Contract Items: Items contracted by DFA's Office of Purchasing, i.e.: desks, office chairs, modular partitioning, filing cabinets, VCR stands, stackable chairs.
4. Written Quotes: Items under $500.00, or over $500.00 and under $5,000.00.
5. Bid Exemptions: Items exempted from competitive bidding.
6. Bid Items: Items competitively bid.

Each Using Agency's furniture & equipment needs will be reviewed, considered and addressed individually; however, every effort is made to standardize and bring uniformity to furniture & equipment purchased by the Bureau using public funds. The Bureau's positions on Non-purchasable, Sole Source, State Contracts, Written Quotes, Bid Exemptions and Bid Items are based on previous PPRB approvals and current state purchasing laws.

Bureau Staff will review the Preliminary List and return it to the Using Agency with comments. The List should be finalized and approved by both parties.

Special Note: No funds appropriated to the Bureau may be used for rent, lease-purchase or maintenance contracts.

800.8
NON-PURCHASABLE ITEMS

The Using Agency's Preliminary List may include anything and everything regarding the complete furnishing and equipping of a facility. However, certain items fall into administrative budgetary categories, such as commodities, which have a short life expectancy. Items purchased with general funds or bond funds fall into the capital outlay category and must generally have a life expectancy of twenty (20) years. Any item not meeting the twenty (20) year criteria will be eliminated from the Using Agency's Preliminary List unless there is sufficient justification otherwise.

The Using Agency may use its own funds to procure the non-purchasable items; however, the Bureau will not consider using its restricted funds for such purposes.

800.9
SOLE SOURCE ITEMS

The Preliminary List may include items considered as sole sources only after the Using Agency has exhausted every avenue of seeking multiple Vendors. Justification for purchasing a sole source item should be submitted in writing with the List in order for Bureau Staff to accurately assess the submission. Any undocumented sole source items submitted by the Using Agency may be eliminated from the Preliminary List.

The following examples taken from the Office of Purchasing and Travel's Procurement Manual are examples of circumstances necessitating sole-source purchases: [Mississippi Code 1972, Annotated, Section 31-7-13 (m)]

1. Where the compatibility of equipment, accessories, or replacement parts is the paramount consideration (and Manufacturer is sole supplier).
2. Where a sole supplier's item is needed for trial use or testing.
3. Where a sole supplier's item is to be required when no other item will serve the need of the Using Agency.

Should reasonable doubt exist regarding the item's sole source nature, bids will be received as usual. If ample justification by the Using Agency is presented, the Bureau will solicit a quote from the sole source Vendor and present the item(s) as award(s) at the next PPRB. The Board will have final detellnination.

800.10
STATE CONTRACT ITEMS

The Office of Purchasing and Travel has the authority to establish Contracts by competitive bidding or by negotiation. The Office has the authority to set standards for the items being purchased, and such standards are based on a practical and economical efficient applications. Further, the items placed on these State Contracts are at the discretion of the Office.

State Agencies may purchase from these Contracts if it is in the best interest of the Using Agency and would be an economically feasible transaction; therefore, the Bureau will use State Contracts to procure furniture & equipment as often as possible. When the Using Agency begins preparation of the Preliminary List, great care should be given to procure as many items as are available from State Contracts. Copies of these Contracts are available upon requests at the Office of Purchasing and Travel, which is located at 501 North West Street, Suite 1401A, Woolfolk Building, Jackson, MS 39201, or calling 601/359-3409.

All conditions described in the State Contracts regarding specifications and price will be observed by the Bureau. However, conditions regarding the delivery and payment of goods may differ because the Using Agency will receive delivery and payments will be made by the Bureau.

All State Contract items will be presented by the Bureau as awards at the next PPRB. The Board will have final determination.

800.11
WRITTEN QUOTE ITEMS (amended 04/09)

Procurement requirements may not be manipulated or artificially divided in order to circumvent competitive bidding. Written quotes may be received rather than competitive bidding when the following criteria are met: [Mississippi Code 1972, Annotated, Section 31-7-13 (b)]

1. Under $5,000: One (1) written quote may be received for items, individual or grouped, which cost under $5,000.
2. Over $5,000: Two (2) written quotes will be received for items, individual or grouped, which cost over $5,000 and under $50,000.

800.12
BID EXEMPTIONS

The Office of Purchasing's Procurement Manual lists certain items which are exempt from the competitive bid process. [Mississippi Code 1972, Annotated, Section 31-7-13 (m)] Written quotations will be solicited for any items exempted from bidding and will be presented by the Bureau as awards at the next PPRB. The Board will have final deteimination. The only exemptions applicable to furniture and equipment items procured by the Bureau are:

1. Purchases made for museum and public display.
1. Purchases made from Contracts established or approved by the Office of Purchasing and Travel.
2. Purchases made from state operated industries, such as Industries for the Blind and the Mississippi Correctional Industries.
3. Non-competitive items available from only one (1) source.

800.13
BID ITEMS

-- SAMPLE FORMAT --

Item #	Description	Quantity	Unit Price	Total
1	Executive Desk Wood, contemporary, general purpose, double pedestal, with lock and center drawer; one pedestal to have one file drawer for legal or letter size filing side to side, one box drawer and one reference slide; the other pedestal to have three box drawers and one reference	15		

Specifications will be developed by the Bureau, Using Agency or Professional for items approved for bidding. These specifications must be generic in nature, without bias toward a specific manufacturer or model and written in the Bureau's furniture and equipment format as indicated on the previous page.

It is peil _____iissible, in order to establish a standard, to name one (1), or more specific manufacturers and model numbers as examples. However, care should be taken in writing open specifications. Bureau Staff will review all Specifications. If any items specified have been written to limit competitive bidding, the Specifications must be revised.

After review, Specifications will be returned to the Using Agency or Professional for revisions and inclusion of the Bureau's *General Condition* documents. [See Appendix 800.] When the revisions have been made and the conditions included, the Bureau Staff will make a final review.

800.14
DOCUMENT APPROVAL

The Using Agency or Professional will be notified in writing if the Bid Documents are approved. If the Documents are disapproved, the Using Agency or Professional will revise the Documents according to the Bureau Staffs comments and will resubmit the Bid Documents for approval. Final copies will be furnished to the Bureau prior to placing the *Advertisement for Bids* in the newspaper. The Bureau, Using Agency or Professional will provide complete sets of Specifications and other Bidding Documents, as are necessary for bidding.

800.15
ADVERTISEMENT FOR BIDS

Upon approval, the Bureau will prepare and issue an *Advertisement for Bids* published in the legal section of the newspaper having general circulation in the State. The *Advertisement* will run once a week for two (2) consecutive weeks with bids being opened not less than seven (7) working days after the last publication by the Bureau. [Mississippi Code 1972, Annotated, Section 31-7-13(c)]

On the same day the newspaper is notified, the Mississippi Contract Procurement Center will be mailed a written notice. [Mississippi Code 1972, Annotated, Section 31-7-13(c)] In addition, the Bureau will furnish Contract Documents to appropriate trade organizations for use of other interested parties.

800.16
OBTAINING BID DOCUMENTS

All interested Bidders may contact the appropriate party indicated in the *Advertisement for Bids* in order to receive a copy of the Bid Documents. Any charge or deposit for obtaining these Documents will also be indicated in the *Advertisement.* The Documents will include all necessary instructions regarding the submission of a bid *Proposal.* [See Appendix 800.]

800.17
BIDDER'S RESPONSIBILITY

Bidders will fully inform themselves of the conditions regarding the Project and the related site. Failure to do so will not relieve the successful Bidder of obligations to fulfill material and labor requirements, or performing any work required without additional cost to the Bureau.

800.18
INTERPRETATIONS

Should a Bidder find discrepancies, the Bureau Staff, Using Agency or Professional who prepared the Bid Documents should be contacted immediately for interpretation and clarification. Neither the Bureau Staff, Using Agency nor the Professional will be responsible for any oral instructions or interpretations. A response regarding the discrepancy will be submitted in writing to all Bid Document holders.

800.19
ADDENDA

Should Addendum be necessary, all known holders of Bid Documents will be notified as expeditiously as possible prior to the time of receiving bids. However, no addendum should be issued within twelve (12) hours of the receipt of bids. Bidders will be required to acknowledge all addendum received on the *Proposal Form.* All Addenda will be incorporated into the Bid Documents and become a part of the Contract.

800.20 BIDDER'S
LIST

A Bidder's List may be compiled to provide the Bureau with the names of businesses for the purpose of securing competition. Any Vendor interested in obtaining Bid Documents may contact the responsible party indicated in the *Advertisement*.

800.21
PREQUALIFICATION OF VENDORS

Prospective Vendors may be prequalified for particular types of furniture & equipment. Solicitation mailing lists of potential Vendors may include but shall not be limited to such prequalified Vendors.

Prospective Vendors may be prequalified for Bidder Lists, but distribution of the solicitation may not be limited to prequalified Vendors, nor will a prospective Vendor be denied award of a Contract simply because such Vendor was not prequalified. The fact that a prospective Vendor has been prequalified does not necessarily represent a finding of responsibility.

800.22
PRE-BID CONFERENCE

Pre-bid conferences may be conducted to explain the bid requirements. This conference will be announced to all prospective Bidders known to have received Bid Documents. The Conference will be held after the Contract Documents have been issued to allow Bidders ample time to become familiar with the contents, but sufficiently prior to bid opening to allow consideration of the Conference results in preparing the bid.

800.23
BID PREPARATION

(In upper left hand corner) Name of Firm

(Bid shall be addressed and delivered to)
Bureau of Building, Grounds and Real Property Management 501 North West Street, Suite 1401B
Woolfolk Building
Jackson, MS 39201
(In lower left hand corner)
Bid for Project # _____
Title: _____
Using Agency: _____

The Bidder should submit his bid in DUPLICATE in a sealed envelope. If the Bidder desires a copy of the bid, a third copy should be made and retained by the Bidder. An example of the outside of the bid envelope is shown here.

800.24
RECEIPT OF BIDS

Upon the receipt of each bid and/or modification, the date and time will be recorded on the face of the envelope. The *Proposal* will be stored in a secure place until the time and date set for bid opening. It is the responsibility of the Bidder to deliver the sealed bid to the appointed place prior to the announced time for the opening of bids. Late delivery of a bid for any reason, including late delivery by the U.S. Mail, Federal Express, UPS, etc. will disqualify the bid.

Bids will be opened publicly in the presence of one (1) or more witnesses at the time and place designated in the *Advertisement.* The name of each Bidder will be recorded, the amount of each bid and such relevant information as specified.

Bids will be unconditionally accepted without alteration or correction and will be evaluated based on the Specifications. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the State of fair competition will be permitted.

800.25
MODIFICATIONS TO BIDS

Bids may be modified or withdrawn by written notice received in the Bureau's office prior to the time and date set for bid opening by writing on the envelope or a facsimile; however, continuation of the facsimile must be received within forty-eight (48) hours, excluding state holidays and weekends, from the closing time, or the facsimile modification will be given no consideration. Confirmations will be limited to Modifications on letterhead signed by the person who signed the *Proposal Form.*

All documents relating to the modification or withdrawal of bids will be made a part of the appropriate procurement file.

800.26 OPENING
BIDS

Tabulation sheets will be provided for the recording of bids by the appropriate party (Bureau, Using Agency, or Professional). At the appropriate hour, the Bureau Staff will declare the bidding closed. All *proposals* meeting the law will be opened and read.

Special Note: If only one (1) *Proposal* is received, the Bureau Staff may open the *Proposal.*

800.27
WITHDRAWAL OF BID

Any *Proposal* may be withdrawn prior to the time specified for receiving bids. If, however, when all *Proposals* have been read and recorded, should a Bidder realize a mistake has been made in the *Proposal* and desires to withdraw the *Proposal*, the Bidder should rise and announce to all present of the intention of withdrawing the *Proposal.* All withdrawal requests, after being verbally made, must be made in writing to the Bureau no later than twenty-four (24) hours following the bid opening. [Mississippi Supreme Court decision, Mississippi State Building Commission et al v. Becknell Construction, Inc. et al, 329 So.2nd 57 (1976)]

The letter of withdrawal should be addressed to the Bureau of Building, Grounds and Real Property Management's Director. It should identify the Project, include the original bid, take-off sheets, and any other supporting documentation to provide proof of error. Failure to include sufficient documentation will be grounds for rejection of the withdrawal request.

800.28
IRREGULARITIES

Minor irregularities are matters of form rather than substance evident from the Bid Document, or insignificant mistakes, which may be waived or corrected without prejudice to other Bidders; that is, the effect on price, quantity, quality, delivery, or contractual conditions is negligible. The Bureau will be the sole judge in determining irregularities, or informalities and render a decision as expeditiously as possible.

800.29
BID PROTEST

When all *Proposals* have been read and recorded, should a Bidder wish to protest, the Bidder should rise and announce to all present the protest. All protest, after being made verbally, must be made in writing to the Bureau no later than twenty-four (24) hours following the bid opening.

The letter of protest should be addressed to the Bureau of Building, Grounds and Real Property Management's Director. It should identify the Project, include what is being protested, why it is being protested, and be signed by the individual who is protesting.

Protestors may be required to appear at the next PPRB meeting and personally present their protest. The Bureau is under no obligation to consider any protest received after twenty-four (24) hours. This includes a protest made by anyone regardless of whether they attended the bid opening.

800.30
NEGOTIATIONS

Neither the Bureau, nor the Using Agency or Professional, will negotiate with any Bidder after the opening of the bids.

800.31
PRODUCT ACCEPTABILITY

The General Conditions may set forth any evaluation criterion to be used in determining product acceptability. It may require the submission of bid samples, descriptive literature, technical data, or other material. It may also provide for accomplishing any of the following prior to award of contract:

1. Inspection or testing or a product prior to award for such characteristics as quality or workmanship.
2. Examination of such elements as appearance, finish, or feel.
3. Other examinations to determine whether it conforms with any other purchase description requirements.

The acceptability evaluation is not conducted for the purpose of determining whether one Bidder's item is superior to another but only to determine that a Bidder's offering is acceptable as set forth in the Bid Documents. Any Bidder's offering which does not meet the acceptability requirements may be rejected as nonresponsive.

800.32
LOW TIE BIDS

Low tie bids are low responsive bids from responsible Bidders identical in price and meet all requirements and criteria set forth in the Bid Documents.

Prime criterion for awards regarding tie bids will be resident Vendors in closest proximity to the Using Agency may be given preference over nonresident Vendors. [Mississippi Code 1972, Annotated, Section 31-7-15 (1).] However, the Using Agency will have final determination regarding tie bids.

800.33
DISQUALIFICATION OF BIDDER

All things being equal, a Contract will be awarded to the lowest and best base bid, or lowest and best combination of base bid and alternates, whichever produces a total within the available funds.

The following list of situations may disqualify a low Bidder from being considered:

1. Failure to comply with bid requirements
2. Bidder is in arrears on existing Contracts with the Bureau or another State Agency
3. Bidder is, or anticipates being, in litigation or arbitration with the Bureau of another State Agency
4. Bidder has defaulted on a previous Contract

800.34
REJECTION OF BIDS

Each Proposal may be rejected in whole or in part when it is in the best interest of the State. Reasons for rejection include, but are not limited to:

1. The business submitting a bid is nonresponsible
2. The bid is nonresponsive
3. The furniture & equipment offered in the bid is unacceptable by reason of its failure to meet specifications or permissible alternates or other acceptable criteria set forth in the Proposal
4. The proposed price is clearly unreasonable
5. Only when provided by the solicitation may a bid or proposal limit acceptance to the entire bid or proposal offering. Otherwise, such bids or proposals may be deemed to be nonresponsive

800.35
INFORMATION ON BID RESULTS

Bid results may be reviewed in the Bureau's office at any time during normal working hours subsequent to the time of the bid opening. This only applies a business or person who has submitted bids on a particular project. The Bureau may restrict the availability of the bids during the evaluation process in order to expedite the award process. Businesses or persons not participating in the process may not be permitted access to any applicable files until after an award is made. After the award is made, all information and documents applicable to the awarded contract may be available for review.

The Bureau will retain the original *Proposal Form* on each bid received. One (1) copy of each of these items will be given to the Using Agency or Professional for information purposes only. The Using Agency or Professional may submit to the Bureau a certified tabulation of all proposals received, along with a recommendation as to the award of Contract(s).

The Bureau will duplicate any record for any person for a fee per DFA's printing policy.

800.36
AWARD OF CONTRACT

Normally, the Bureau has forty-five (45) days after the bid opening to award Contracts. The exact days will be stated in the Bid Documents or on the *Proposal Form*. The Bureau will proceed as expeditiously as possible to present awards at the next PPRB meeting.

The Using Agency or Professional will be informed in writing of the final action concerning awards made by the PPRB.

800.37
CONTRACT PREPARATION (Revised August 18, 2010 for F&E to agree with 600.57 Checklist #1 for 5 copies to 2 copies)

Contracts will be prepared by the appropriate party (Bureau, Using Agency or Professional) as follows:

1. Copies: Two (2) copies will be prepared (and any additional copies requested by the Bureu) of the furniture and equipment Contract:
   (a) Bureau (1)
   (b) Vendor (1)
2. Dates: The Contract cannot be dated prior to an award of Contract by PPRB [procedures].
3. Signatures: All signatures must be original.
4. Contract Form: The Bureau's Contract form is the only form to be used.

Once the *official* Contracts have been prepared and signed, copies will be distributed as indicated above.

800.38
DELIVERY

The Vendor will be expected to provide all the furniture and equipment specified in the Contract and per the terms regarding delivery. The Bureau Staff and Using Agency will coordinate delivery dates and times. The Professional will be responsible for this activity, if one is provided.

800.39
PAYMENTS

No retainage will be withheld from any furniture and equipment (loose equipment) Contracts. The Vendor will be required to complete the necessary forms [See Appendix 800.] prior to receiving payments. The Using Agency, Bureau Staff and Professional, if applicable, will be responsible for verifying delivery, installation and completeness prior to approving any application(s) for payment to the Vendor.