DESIGN AND CONSTRUCTION
K-12 PUBLIC SCHOOLS

Alabama Real Property Management
Division of Construction Management

aasbo | Alabama Association of School Business Officials

Mickey Allen, P.E.
Assistant Finance Director
Real Property Management

Lee Desmond, P.E.
Director, Division of
Construction Management

Contact Info

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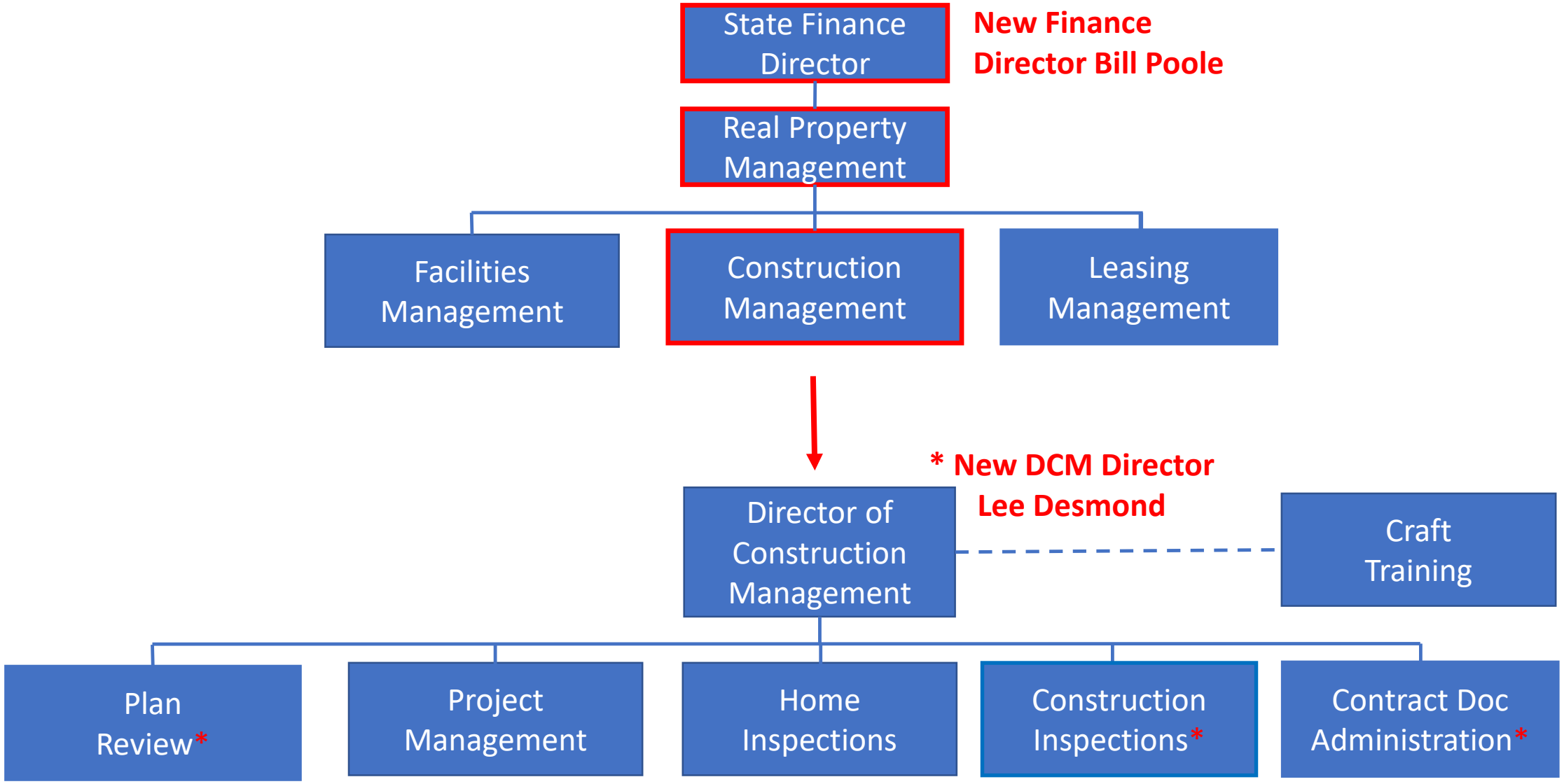
REAL PROPERTY MANAGEMENT



* Formerly part of the Alabama Building Commission (1945-2015)

Allowed Project Delivery Method

TITLE 41 Professional Services

TITLE 39 Public Works

- Traditional (Design, Bid, Build)
  - DESIGN – Owner hires Architect to develop design
    - Exempt from competitive bidding
    - Qualifications Based Selection
    - "…shall not engage in actual construction, repair, renovation, or maintenance of the public works with their own forces, by contract, subcontract, purchase order, lease or otherwise."
    - Architect acts as agent for owner
  - BID – Architect assists owner in bidding process
    - Projects over $50K must be publicly advertised
    - Sealed bids taken, opened and read at the place, time and date in advertisement
  - BUILD – Contract awarded to lowest responsive and responsible bidder
    - "A responsible bidder is one who, among other qualities determined necessary for performance, is competent, experienced and financially able to perform the contract."
    - "A responsive bidder is one who submits a bid that complies with the terms and conditions of the invitation for bids. Minor irregularities in the bid shall not defeat responsiveness."

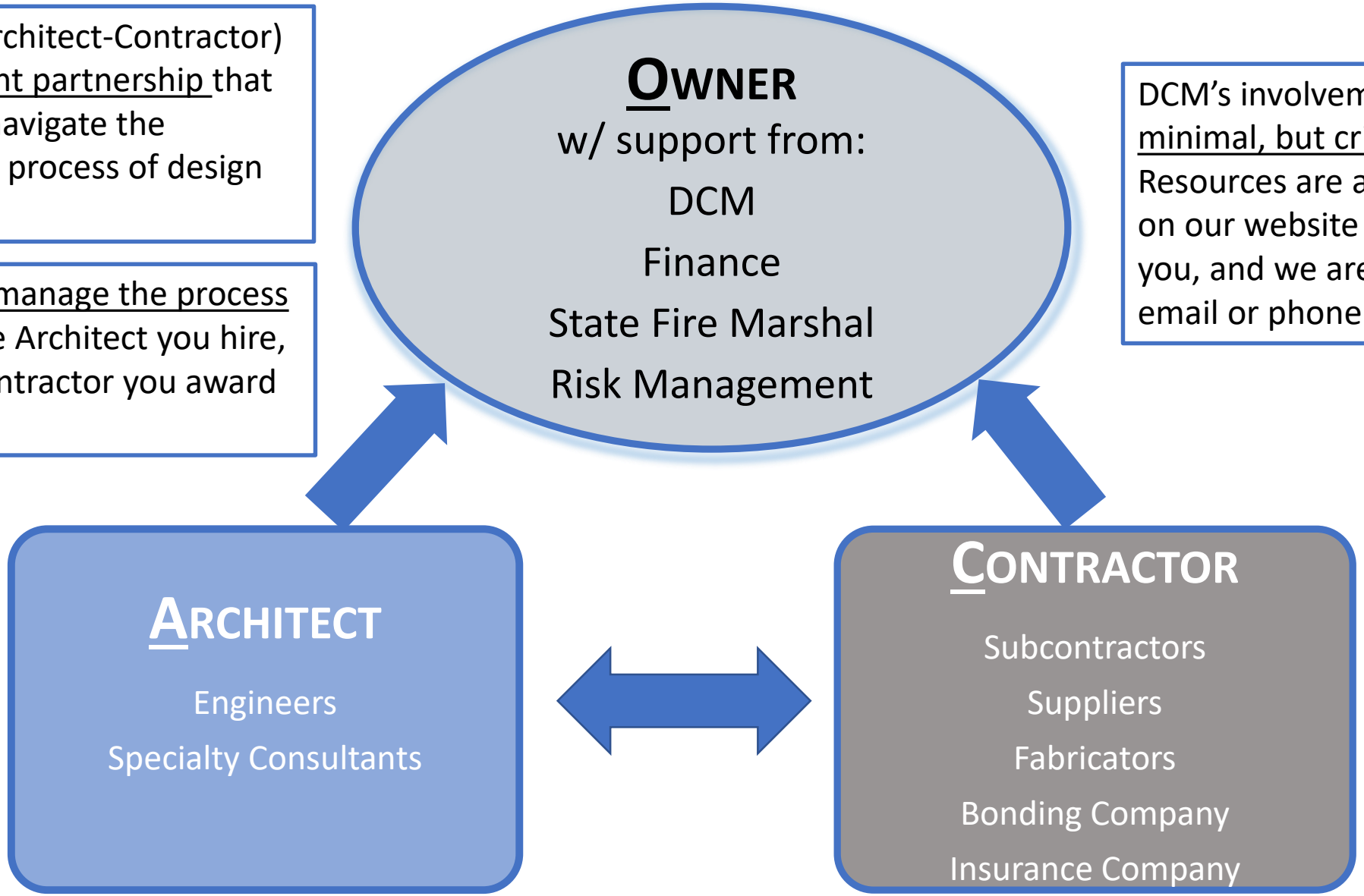
Allowed Project Delivery Method

- Traditional (Design, Bid, Build)
  - Pros:
    - Easy to manage
    - Roles of the parties are clearly defined
    - All design decisions made before construction begins
    - One contractor (Usually)
    - Check and balance of architect and contractor
  - Cons:
    - Construction can’t start until design complete
    - If bids are over budget, more time and money lost
    - Little input from contractors and subcontractors

The OAC Project Team

The OAC (Owner-Architect-Contractor) Team is an important partnership that works together to navigate the somewhat complex process of design and construction.

As the Owner, you manage the process with the help of the Architect you hire, and, in turn, the contractor you award the project to.



DCM's involvement is minimal, but critical. Resources are also available on our website to assist you, and we are only an email or phone call away.

Roles and Responsibilities of the Owner

- Awarding Authority
- Hiring the Architect
  - RFQs and A/E selection process
  - Negotiating agreements
- Contracting for Construction
  - Advertising for Bids
  - Determination of low bidder
  - Award of contract
- Funding
- Program / requirements

Roles and Responsibilities of the Architect

- Perform work in responsible manner
  - Design to budget
  - Design to code
  - Inspect construction for compliance with design
- Familiarity with Public Works procedures, regulations, and laws
- Make recommendations to Owner
- Administer construction contract

Roles and Responsibilities of Contractor

- Familiarity with the Public Works procedures
- Bidding
- Construction in accordance with plans
- Communication
  - Delays
  - Differing site conditions
  - Other construction issues

DCM History

- Alabama Building Commission (ABC) was established in 1945 to ensure compliance with building codes and standards
- In 2015, the Division of Construction Management was created under Department of Finance, Real Property Management and assumed the duties and authorities of ABC
- Per Code of Alabama 1975, Title 41-9-141, adopts, promulgates, and enforces a State Building Code and keeps the code updated and consistent with acceptable architectural and engineering practices

Current Codes/New Codes

State Building Code will transition to UPDATED CODES July 1 -2022 – January 1, 2023

- 2015 International Building Code/2021
- 2015 International Existing Building Code/2021
- 2015 International Plumbing Code/2021
- 2015 International Fuel Gas Code/2021
- 2015 International Mechanical Code/2021
- 2015 International Fire Code/2021
- 2014 National Electrical Code/2020
- ANSI/ASHRAE/IESNA Standard 90.1-2013 Energy Standard for Buildings Except Low-Rise Residential Buildings

  2013 Remains but with Permitted Code Exemptions:
  - Economizer Requirement
  - Switched Outlet Requirement
  - Requirement for Separate HVAC Metering
- 2010 ADA Standards for Accessible Design/2010 Remains
- 2014 ICC/NSSA for the Design and Construction of Storm Shelters/2020
- 2013 NFPA 72: National Fire Alarm and Signaling Code/2019

Role of the Division of Construction Management

- Minimal involvement, but always available to advise
- For locally-funded projects (unless meeting the under $500K criteria and owner chooses to bypass DCM)
  - Two minor but critical roles:
    - Review your plans for code compliance (Building, Life Safety, Fire, ADA, etc.)
    - Inspect your construction for safety and code compliance
- For PSCA-funded projects (regardless of cost), DCM Plan Review and Inspection required, as well as:
  - Contract Document Review to ensure all legal and contractual requirements are met prior to Governor's signature
    - Owner/Architect Agreements, Amendments, Construction Contracts, Change Orders
  - Construction Payment Program
    - Architect and Contractor Invoices Approved

DIVISION OF CONSTRUCTION MANAGEMENT RESPONSIBILITIES

For **PSCA-funded** projects

- Reviews plans for compliance with State Building Code
- Reviews contract documents (O-A Agreements, construction contracts, change orders, amendments) prior to Governor's signature
- Inspects projects under construction
- Reviews and approves payment of PSCA invoices for architects/contractors

DIVISION OF CONSTRUCTION MANAGEMENT RESPONSIBILITIES

For **locally-funded** projects

- Reviews plans for compliance with State Building Code
- Reviews contract documents (Owner-Architect Agreements, construction contracts, change orders, amendments)
- Inspects projects under construction
- Reviews and approves PSCA invoices for contracts

DCM Website

dcm.alabama.gov

Or google:
“dcm alabama”
“construction management alabama”
“alabama building commission”

Priorities:
User-friendly
Customer-focused
Transparent
Available

DCM Website

Home | Finance Divisions | About DCM | State Building Code | Bulletins | Contacts | FAQs | Links

When making contact, please have a DCM project number, Lease ID, Work Ticket #, or other relevant reference if possible, so that we can provide fast, efficient service.

Contacts

Real Property Management Office

Mickey Allen – Finance Assistant Director; Real Property Management	(334) 242-4801	mickey.allen@realproperty.alabama.gov
Ellen Barnette – Admin. Assistant; Arch/Eng & Contractor Payment Applications	(334) 242-4822	ellen.barnette@realproperty.alabama.gov
Victoria Rudolph – Admin. Assistant; Arch/Eng & Contractor Payment Applications	(334) 242-1583	victoria.rudolph@realproperty.alabama.gov
Chris McCracken – Accountant; Accounts & Budgets	(334) 353-3205	chris.mccracken@realproperty.alabama.gov

Division of Construction Management Office

Lee Desmond - Division of Construction Management Director	(334) 242-4082	lee.desmond@realproperty.alabama.gov
Julie Downing – Departmental Operations Specialist; Website Content	(334) 242-4821	julie.downing@realproperty.alabama.gov
Jennie Jones, CPA – Accountant; User Fees Billing & Collection	(334) 242-4808	jennie.jones@realproperty.alabama.gov

Contract Administration Division

Mae Washington – State Contract Administrator & Project Architect	(334) 242-1613	mae.washington@realproperty.alabama.gov
Kristie Hutto – Administrative Assistant; Contracts & Project Inspections	(334) 242-4819	kristie.hutto@realproperty.alabama.gov
Chelsea Holmes – Administrative Assistant; Contracts	(334) 242-1247	chelsea.holmes@realproperty.alabama.gov

Plan Review Division

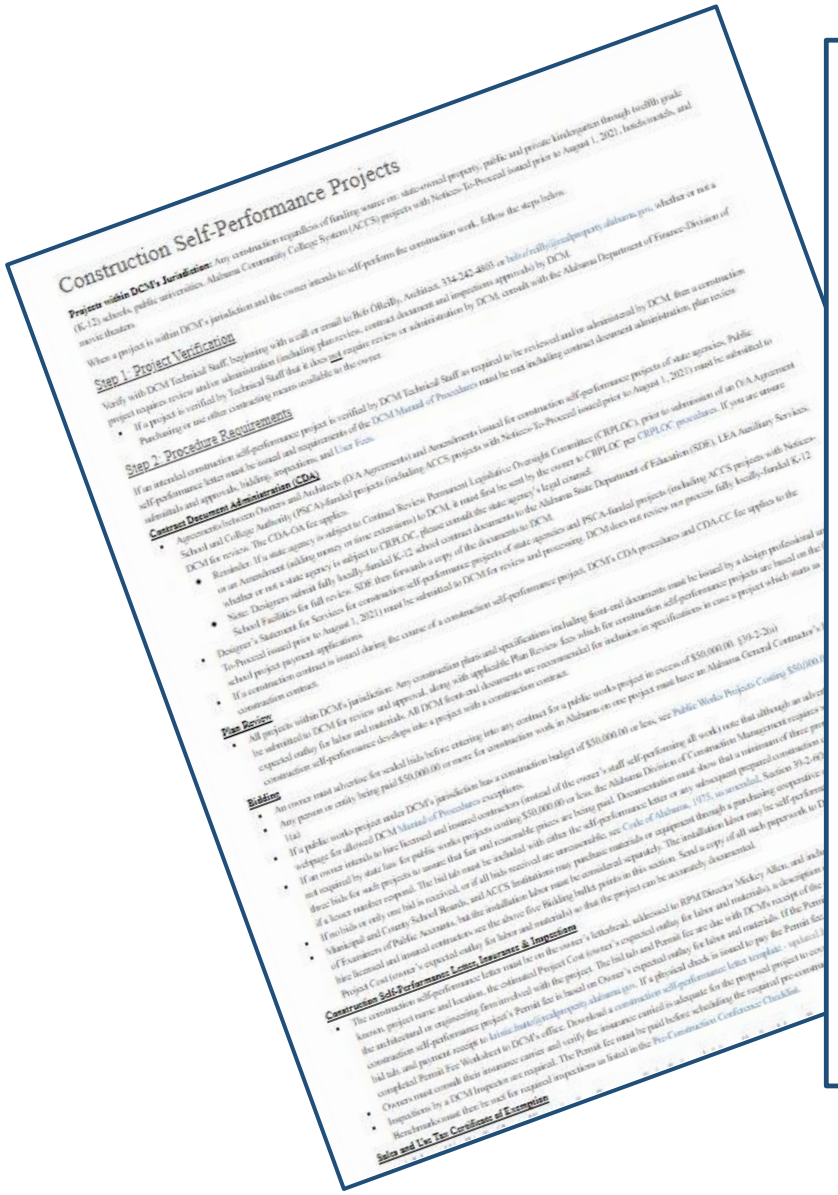
Sam Chen, PE - Mechanical Engineer	(334) 242-4805	sam.chen@realproperty.alabama.gov
Paula Glass, PE – Electrical Engineer	(334) 353-8441	paula.glass@realproperty.alabama.gov
Robert ÓReilly – Architect	(334) 242-4803	bob.o'reilly@realproperty.alabama.gov
Michael Robinson – Fire Protection Reviewer	(334) 353-5354	michael.robinson@realproperty.alabama.gov
Trishunda Henderson – Admin. Assistant; Submittals Log-in/out & Receptionist	(334) 242-4082	planreview@realproperty.alabama.gov
Tommy Faison – Plan Review Support	(334) 242-4816	tommy.faison@realproperty.alabama.gov

Project Management Division

Joe De Le Ree – Architect, Project Manager; Assigned Agencies	(334) 242-0340	joe.deleree@realproperty.alabama.gov
Mae Washington – Architect, Project Manager; Assigned Agency	(334) 242-1613	mae.washington@realproperty.alabama.gov
Katie Williams – Architect, Project Manager; Assigned Agencies	(334) 353-0494	katie.williams@realproperty.alabama.gov
Dan Woods – Architect, Project Manager; Assigned Agencies	(334) 353-5225	dan.woods@realproperty.alabama.gov

Home Inspectors / FIFS Inspectors Licensing Division

Additional DCM Guidance on Special Circumstance Projects



Construction Self-Performance Projects

Projects within DCM's Jurisdiction: Any construction regardless of funding source on: state-owned property; public and private kindergarten through twelfth grade (K-12) schools; public universities; Alabama Community College System (ACCS) projects with Notices-To-Proceed issued prior to August 1, 2021; hotels motels, and movie theaters.

When a project is within DCM's jurisdiction and the owner intends to self-perform the construction work, follow the steps below.

Step 1: Project Verification

Verify with DCM Technical Staff, beginning with a call or email to Bob OReilly, Architect, 334-242-4803 or bob.oreilly@realproperty.alabama.gov, whether or not a project requires review and/or administration (including plan review, contract document and inspections approvals) by DCM.

- If a project is verified by Technical Staff that it does not require review or administration by DCM, consult with the Alabama Department of Finance-Division of Purchasing or use other contracting means available to the owner.

Step 2: Procedure Requirements

If an intended construction self-performance project is verified by DCM Technical Staff as required to be reviewed and/or administered by DCM, then a construction self-performance letter must be issued and requirements of the DCM Manual of Procedures must be met including contract document administration, plan review submittals and approvals, bidding, inspections, and User Fees.

Contract Document Administration (CDA)

- Agreements between Owners and Architects (O/A Agreements) and Amendments issued for construction self-performance projects of state agencies, Public School and College Authority (PSCA)-funded projects (including ACCS projects with Notices-To-Proceed issued prior to August 1, 2021) must be submitted to DCM for review. The CDA-OA fee applies.
- Reminder: If a state agency is subject to Contract Review Permanent Legislative Oversight Committee (CRPLOC) prior to submission of an O/A Agreement or an Amendment (adding money or time extensions) to DCM, it must first be sent by the owner to CRPLOC per CRPLOC procedures. If you are unsure whether or not a state agency is subject to CRPLOC, please consult the state agency's Legal counsel.
- Note: Designers submit fully- locally- funded K-12 school contract documents to the Alabama State Department of Education (SDE), LEA Auxiliary Services, School Facilities for full review. SDE then forwards a copy of the documents to DCM.
- Designer's Statement for Services for construction self-performance projects of state agencies and PSCA-funded projects (including ACCS projects with Notices-To-Proceed issued prior to August 1, 2021) must be submitted to DCM for review and processing. DCM does not review nor process fully locally-funded K-12 school project payment applications.
- If a construction contract is issued during the course of a construction self-performance project, DCM's CDA procedures and CDA-CC fee applies to the construction contract.

Plan Review

All projects within DCM's jurisdiction: Any construction plans and specifications including front-end documents must be issued by a design professional and be submitted to DCM for review and approval, along with applicable Plan Review fees which for construction self-performance projects are based on the expected outlay for labor and materials. All DCM front-end documents are recommended for inclusion in specifications in case a project which starts as construction self-performance develops into a project with a construction contract.

Bidding

- An owner must advertise for sealed bids before entering into any contract for a public work's project in excess of $50,000.00. §39-2-2(a)
- Any person or entity being paid $50,000.00 or more for construction work in Alabama on one project must have an Alabama General Contractor's lic
- If a public works project under DCM's jurisdiction has a construction budget of $50,000.00 or less, see Public Works Projects Costing $50,000.00 or Less
- If an owner intends to hire licensed and insured contractors (instead of the owner's staff self-performing all work) it must first advertise for sealed bids for public works projects costing $50,000.00 or less. Although an advertisement for bid is not required by state law for public works projects costing $50,000.00 or less, the Alabama Division of Construction Management requires solicitation of at least three bids for such projects to assure that fair and reasonable prices are being paid. Documentation must show that a minimum of three proposals were sought even if a lesser number respond. Designers shall include the bid documentation must show that a minimum of three proposals were sought even if a lesser number respond. Designers shall include the bid forms for such projects to assure that fair and reasonable prices are being paid.

DIVISION OF CONSTRUCTION MANAGEMENT (DCM) RECENT LEGISLATION

Act 2021-476 (aka HB220) – Passed in Alabama 2021 Regular Legislative Session

Support/Opposition

- Supported by ACCS, School Superintendents of Alabama
- Opposed by Architects, Engineers, Contractors, Fire Services, EMA, State Insurance Dept.

Study Group

- Requested by Governor to address concerns with bill
- Met twice; focused on K-12
- Recommendations included in Alabama 2022 Regular Legislative Session Bill HB419

Allows certain K-12 Public School projects to bypass DCM's independent code review and inspection

- Capital Improvements under $500K, R&M of HVAC, and R&M of Roofs
- Effective 2/1/22
- Doesn't exempt you from needing design professional
- Must still ensure compliance with State Building Code (Fire, Life Safety, ADA, etc.)
- Must follow procedures established by ALSDE, including submission of affidavits by owner, design professional, and contractor
- You may still choose to use DCM services for Plan Review and Inspection to ensure code compliance

DIVISION OF CONSTRUCTION MANAGEMENT (DCM) RECENT/ONGOING LEGISLATION

STATE OF ALABAMA
DEPARTMENT OF EDUCATION

Eric G. Mackey, Ed.D.
State Superintendent of Education

Alabama State Board of Education

Governor Kay Ivey
President

Jackie Zeigler
District I

Tracie West
District II

Stephanie Bell
District III

Yvette M. Richardson, Ed.D.
District IV
Vice President

Tonya S. Chestnut, Ed.D.
District V

Cynthia McCarty, Ph.D.
District VI

Belinda McRae
District VII

Wayne Reynolds, Ed.D.
District VIII
President Pro Tem

Eric G. Mackey, Ed.D.
Secretary and
Executive Officer

February 1, 2022

MEMORANDUM

TO: City and County Superintendents

FROM: Eric G. Mackey
State Superintendent of Education

RE: Capital Improvement Projects Act 2021-476 (HB 220)

Act 2021-476 (HB 220) related to construction and renovation of school facilities goes into effect February 1, 2022. This legislation allows Local Education Agencies (LEA) performing capital improvement projects estimated by a licensed design professional to cost less than $500,000 or performing maintenance and repair to existing HVAC systems or roofs to do so without using the Division of Construction Management (DCM).

All projects utilizing any Public School & College Authority (PSCA) funds will still be administered by DCM's Contract Administration Division, Plan Review Division and Project Inspection Division.

Per the Act, all other applicable laws still apply in performing the above type projects. Furthermore, the Act stipulates that the Alabama State Department of Education (ALSDE) shall implement necessary forms to allow the LEA to perform these projects without requiring the use of DCM. The ALSDE has constructed the required forms, utilizing DocuSign, that must be submitted prior to the project beginning. The forms will be available on the ALSDE website under LEA Auxiliary Services – School Architect – Construction Approval page at: https://na4.docusign.net/Member/PowerFormSigning.aspx?PowerFormId=d92d9167-414f-41af-acfc-fde6cff67a77&env=na4&acct=0d0d5396-2e0a-4ad5-97e4-e591b723344b&v=2.

Additionally, attached to this memorandum are the required form templates, work instructions on how to complete the forms and the enacted legislation. All questions regarding the submission of the required forms or compliance to Act 2021-476 should be directed to Dr. Brandon T. Payne at brandon.payne@alsde.edu or Ms. Jessica Ragan at jragan@alsde.edu or by telephone to the School Facilities section at ALSDE at 334-694-4602.

EGM/BTP/JR

Attachments

cc: Dr. Brandon T. Payne
FY22-3009

Gordon Persons Building • P.O. Box 302101 • Montgomery, Alabama 36130-2101 • Telephone (334) 694-4900 • www.alabamaachieves.org

LEA Capital Improvement Project < $500,000

Owner (School System) Name: _____

Design Professional Company Name: _____

Design Professional Contact Email: _____

Design Professional Phone Number: _____

Project Location Address: _____

County: _____

Project Name:

_____

Brief Description of Project:

_____

Amount of Projected Expenditure: _____

Intendent Project Dates: _____ to: _____

https://www.alabamaachieves.org/school-architect/

DIVISION OF CONSTRUCTION MANAGEMENT (DCM) RECENT/ONGOING LEGISLATION

LEA Capital Improvement Project < $500,000

Design Professional Attestation

I, _____ (name) am the _____ (title) of the _____ ("Design Professional"). I attest to the following:

I am aware that, pursuant to Act 2021-476, all K-12 capital improvement projects with an estimated cost of $500,000.00 or less shall no longer be subject to oversight by the Alabama State Finance Department Division of Construction Management except that it will review and inspect for compliance with the Americans with Disabilities Act, fire safety compliance, and life safety compliance, and issue written recommendations.

I understand that as the design professional it is my responsibility to oversee the services of certified contractor(s) who meet and follow all applicable federal, state, and local laws in all phases of the above referenced project.

Furthermore, I understand it is my responsibility to conduct and/or certify inspections of the capital improvement project.

Signature: _____ Date: _____

LEA Capital Improvement Project < $500,000

Owner Attestation

I, _____ (name) am the _____ (title) of the _____ School System ("Owner"). I attest to the following:

I am aware that, pursuant to Act 2021-476, all K-12 capital improvement projects with an estimated cost of $500,000.00 or less shall no longer be subject to oversight by the Alabama State Finance Department Division of Construction Management except that it will review and inspect for compliance with the Americans with Disabilities Act, fire and life safety compliance, and issue written recommendations.

I have used the services of a certified design professional and certified contractor(s) who meet and follow all applicable federal, state, and local laws in all phases of the above-referenced project.

I understand that as the Owner I must comply with all applicable federal, state, and local laws related to the above-referenced project, including but not limited to, bidding, obtaining, and paying the services of a certified design professional and certified contractor(s) to perform the work on the above referenced project.

I certify that I have read and understand the foregoing and that I am aware of my responsibilities and liabilities for construction work on the above-described property and do hereby covenant and agree to abide by each of the aforesaid disclosures. I further understand that any falsification of the statements contained in this affidavit constitutes fraud and may result in revocation as well as other penalties.

Signature: _____ Date: _____

DIVISION OF CONSTRUCTION MANAGEMENT (DCM) RECENT LEGISLATION

Act 2022-367 (aka HB419) – Passed in Alabama 2022 Regular Legislative Session

- Results of HB220 Study Group, Dept of Finance, and Governor's Staff input

For K-12 School Capital Improvements, R&M of HVAC, and R&M of Roofs under $750K

- Review and inspection by DCM required
  - But limited to ADA, Fire and Life Safety code
  - DCM inputs are "Recommendations"
- Effective 10/1/22

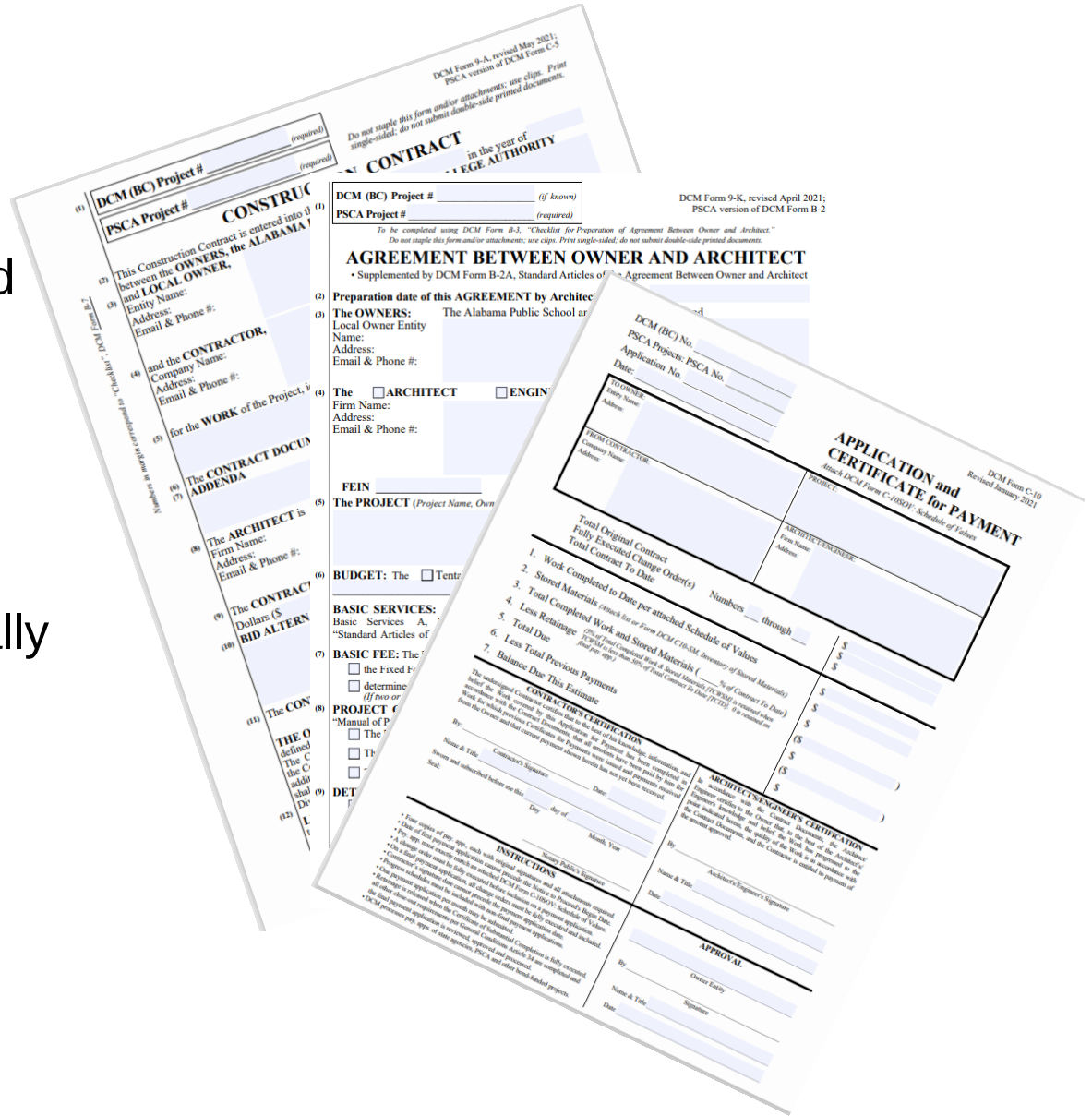
Requires DCM to offer electronic submission

- DCM actually began process of moving to paperless prior to any legislation

RPM/DCM UPDATES

Electronic Records and Signatures

- Required revision to Administrative Rules; approved last year for all of Finance
- Conducted detailed evaluation of software and coordination with all parties involved (Governor's Legal, OIT, Finance Legal, SOS, AG offices, owners, architects, contractors)
- We are live with some contract document processes, and first few Contracts and Amendments have been executed electronically in the past few weeks
- Working to get all contract docs paperless
- Next in Line
  - Contractor Invoices
  - Plans Submission/Review
  - Leases



If Given A Choice…
Why DCM?

EXPERIENCED:

- Plan Review:
  - Registered/Licensed Architect, Electrical Engineer, and Mechanical Engineer, Fire Protection Specialist
  - Average Years of Experience: 29 Years
- Construction Inspection:
  - Seven highly experienced inspectors located regionally across the state
  - Average Years of Experience: 25 Years

FAST:

- Plan Review:
  - FY15-19: 8,430 Submittals (Avg/Year 1,686), Average Review Time: 6.43 Calendar Days
  - **FY21: 3,660 Submittals**; Average Review Time: **5.05 Calendar Days**
- Construction Inspection:
  - FY15-19: 12,667 Inspections Performed (2,533/year)
  - **FY21: 2,795 Inspections Performed**

If Given A Choice…
Why DCM?

CHEAP:

- When compared to cities and counties across Alabama who perform plan review and construction inspections for commercial projects in their jurisdictions, DCM fees are below almost all, sometimes by 2x, 3x, or 4x

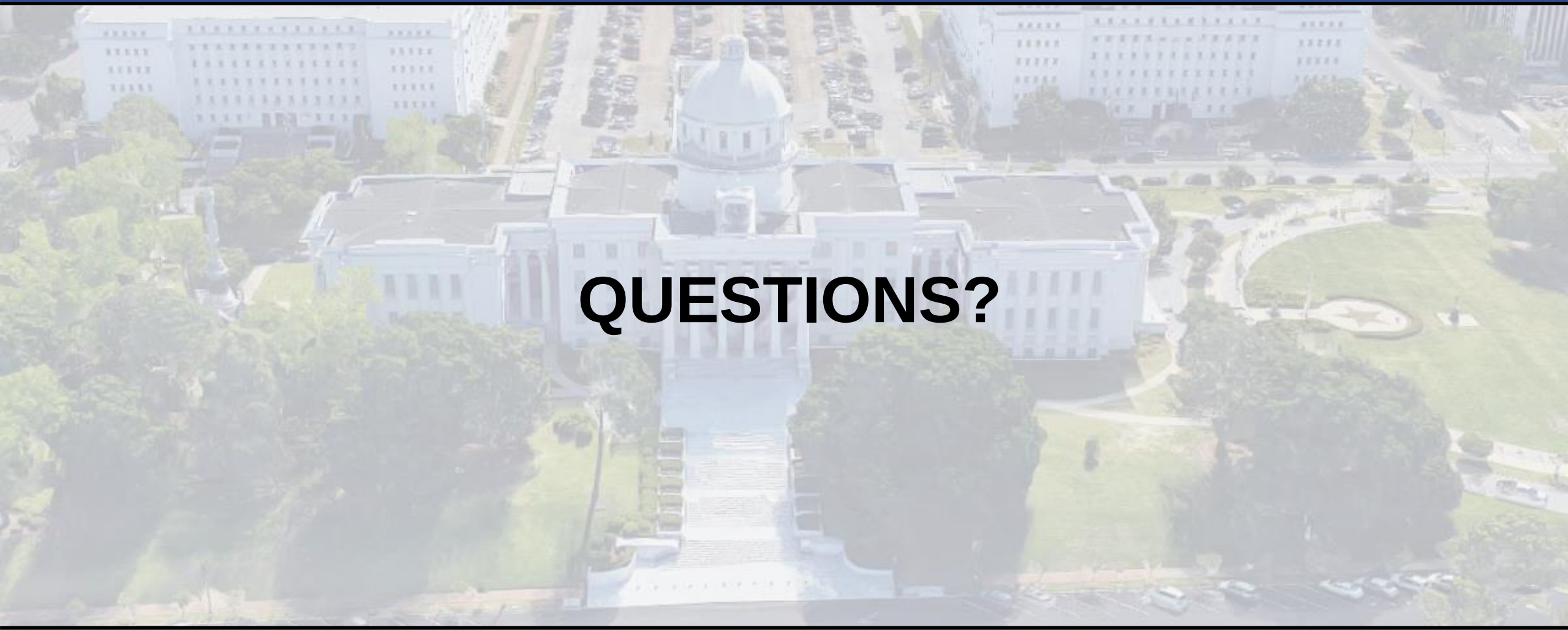
COMPARISON OF PLAN REVIEW AND INSPECTION FEES

(High To Low)

$$$$ <<<<<<<<<<<<<<< PERMITTING AUTHORITY <<<<<<<<<<<<<<< $

PROJECT VALUE	Gulf Shores	Birmingham	Jefferson County	Opelika	Tuscaloosa	Madison	Shelby County	Montgomery	Madison County	Huntsville	Mobile County	Baldwin County	Lee County	Auburn	Tallapoosa County	DCM	Mobile	Dothan
$ 250,000.00	$ 3,650.00	$ 3,550.00	$ 2,750.00	$ -	$ 2,440.00	$ 2,000.00	$ 1,975.00	$ 1,800.00	$ 1,625.00	$ 1,625.00	$ 1,600.00	$ 1,535.00	$ 1,632.00	$ 1,490.00	$ 1,472.50	$ 1,365.00	$ 1,225.00	$ 750.00
$ 500,000.00	$ 7,050.00	$ 6,549.00	$ 5,500.00	$ 5,250.00	$ 4,880.00	$ 3,500.00	$ 3,850.00	$ 3,650.00	$ 4,750.00	$ 3,250.00	$ 3,100.00	$ 3,000.00	$ 2,382.00	$ 2,240.00	$ 2,285.00	$ 2,490.00	$ 2,350.00	$ 1,500.00
$ 1,000,000.00	$ 13,800.00	$ 12,550.00	$ 11,000.00	$ 9,800.00	$ 9,760.00	$ 6,500.00	$ 7,600.00	$ 7,350.00	$ 9,500.00	$ 6,500.00	$ 6,100.00	$ 5,500.00	$ 4,382.00	$ 4,240.00	$ 3,910.00	$ 3,990.00	$ 4,600.00	$ 2,750.00
$ 5,000,000.00	$ 67,800.00	$ 60,549.00	$ 55,000.00	$ 42,200.00	$ 48,800.00	$ 30,500.00	$ 37,600.00	$ 35,550.00	$ 47,500.00	$ 32,500.00	$ 30,100.00	$ 25,500.00	$ 16,382.00	$ 16,240.00	$ 16,910.00	$ 15,990.00	$ 22,600.00	$ 11,250.00

NOTE: Cities and counties do NOT have authority on state or public school property, other than local fire and police


QUESTIONS?