CHAPTER 1

ALABAMA BUILDING COMMISSION ORGANIZATION AND AUTHORITY

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A. ABBREVIATIONS and DEFINITIONS

As used in this manual the following words, phrases, and abbreviations shall have the following meanings, respectively:

1. ABC: The State of Alabama Building Commission.

2. ABRFA: Alabama Building Renovation Finance Authority.

3. ACIFA: Alabama Corrections Institution Finance Authority.

4. AMHFA: Alabama Mental Health Finance Authority.

5. AWARDING AUTHORITY: A governmental entity or public corporation authorized by the Code of Alabama to enter into contracts for the design and construction, repair, or improvement of public buildings. This term is interchangeable with "Owner" for privately funded projects.

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

7. DESIGN PROFESSIONAL: The Alabama registered architect, engineer, or architectural or engineering firm employed to design the construction of, or improvements to, a building or facility. The **Primary Design Professional** is the architect, engineer, or architectural or engineering firm under contract with an awarding authority or owner.

8. DIRECTOR: The Director of Technical Staff, appointed by the Commission.

9. K - 12: Public school systems providing education in levels of kindergarten through

the twelfth grade.

10. **LEA:** Local Education Authority

11. **LOCALLY FUNDED PROJECT:** A project for which the funding is totally derived from the resources of the local awarding authority (no state funds or state bond issue funds are involved).

12. **O/A AGREEMENT :** Agreement Between Owner and Architect - the contract through which an awarding authority employs the professional services of an Architect or Engineer.

13. **PSCA:** The Alabama Public School and College Authority.

14. **PUBLIC WORKS LAW:** Title 39 of the Code of Alabama, 1975, as amended.

15. **SDE:** The Alabama State Department of Education.

16. **STATE BUILDING CODE:** The body of building standards published by code writing organizations which has been adopted by the Commission as minimum building standards applicable to state building and construction, school houses, hotels, and moving picture theaters.

17. **TECHNICAL STAFF:** The full-time staff of architects, engineers, administrators, inspectors, support personnel, and contract personnel employed to carry out the policies and duties of the Commission on a daily basis.

B. CREATION and EMPOWERMENT of the ALABAMA BUILDING COMMISSION

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

C. ORGANIZATION and OPERATION of the ALABAMA BUILDING COMMISSION

The membership of the Alabama Building Commission consists of the Governor as chairman, the State Health Officer, the Director of Finance, the State Superintendent of Education, four (4) members from the Senate to be elected by that body at each regular session of the Legislature, and four (4) members from the House of Representatives to be elected by that body at each regular session of the Legislature. The Budget Officer of the State Department of Finance serves as the secretary, but is not a member.

The Commission convenes upon the call of the Governor or at such time or times as the Commission may designate by resolution recorded in its minutes. Pursuant to the "Alabama Administrative Procedures Act" (Acts 1981, No. 81-855, p. 1534, '1.), the Commission adopts rules which it publishes in The Alabama Building Commission Administrative Code. The Commission maintains a full-time Technical Staff, headed by a Director, through which the Commission's powers, duties, rules, and policies are carried out on a daily basis.

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

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

D. POWERS and DUTIES of the ALABAMA BUILDING COMMISSION

1. The Commission has full power and authority to provide for and supervise the planning, design, construction, renovation, and/or improvement of state buildings, including entering into contracts as necessary to implement this power and authority and to acquire land for the location of such state buildings (see Title 41-9-141 for specific authority).

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

3. The Commission is authorized and directed to adopt, promulgate and enforce a State Building Code and to keep the code updated and consistent with acceptable architectural and engineering practices. The state building code is to include an energy conservation code for state buildings, including public schools.

4. The Commission is responsible for reviewing plans and specifications for compliance with handicapped accessibility standards prescribed by the State Fire Marshall for public buildings and facilities. The Commission is authorized to construe and interpret such standards and to adopt and enforce rules and regulations prescribing additional standards. (See Title 21-4-5 & 6 for authority and responsibility shared with the State Fire Marshall.)

5. The Commission may appoint and dismiss any officers, employees and agents including competent architectural and technical employees as may be necessary to effectuate its powers and duties. All employees of the Commission are subject to the provisions of the merit system.

E. PROJECTS SUPERVISED and ADMINISTERED by the COMMISSION

The Commission supervises and administers public construction and improvement projects assigned to it by legislative acts authorizing and funding specific construction projects or programs. In general, the Technical Staff supervises, administers, and inspects construction and improvement projects for state agencies and departments, Postsecondary Education, PSCA, and similar authorities. The ABC provides periodic inspections of locally funded, K-12 public school projects and is authorized to inspect any project under the jurisdiction of the State Building Code.

F. ORGANIZATION and OPERATION of the TECHNICAL STAFF

The Director is appointed by the Commission to manage the daily operations of the Technical Staff and the preparation, publication, and maintenance of this Manual of Procedures. The Technical Staff is composed of four sections providing the following services and functions:

1. Architectural/Engineering Division:

a. Evaluates and recommends codes, code revisions, or code supplements as published by code publishing organizations to be adopted (with modifications) by the Commission for inclusion in the State Building Code.

b. Enforces the State Building Code and other regulations through review of proposed construction plans, specifications, contracts and related documents.

2. Contract Administration Division:

a. Supervises and administers projects assigned to the Commission to ensure compliance with state laws, Commission rules and procedures, and other regulations.

b. Reviews, approves, and processes contracts, changes orders, invoices, and related documents.

3. Construction Administration Division:

a. Monitors in-progress construction to keep the Director and Contract Administrator informed of construction progress and issues and to ensure acceptable building practices and code compliance.

b. In conjunction with the design professional and the Awarding Authority, establishes substantial completion of the work.

4. Administrative Services Division: Monitors daily internal operations as they pertain to budgeting, purchasing, personnel guidelines, and procedures.

G. THIS MANUAL of PROCEDURES

This manual sets forth procedures to effect compliance with the rules of the Alabama Building Commission Administrative Code and state laws and regulations applicable to construction and improvement projects. This manual is published in loose-leaf form and will be updated on a page-by-page basis.

References in this manual to "Title", "Chapter", "Article", and/or "Section" pertaining to legal authority are to the Code of Alabama, 1975, as amended. References to "Commission Rules" or "ABC Rule" are to the Alabama Building Commission Administrative Code, 1997, adopted, published, and amended in accordance with the Alabama Administrative Procedures Act. The policies and procedures contained in this manual are derived from or have been developed to enforce laws codified in the Code of Alabama and the Commission rules.

A NOTE OF CAUTION: This manual is dedicated to the requirements and procedures of the ABC. Before proceeding with preparation of bid documents or submittals to the ABC, the design professional should determine whether sources of project funding (such as federal funding) or regulations peculiar to the awarding authority may require modification or supplementation of the ABC requirements and procedures. If modification or supplementation is necessary, contact the Technical Staff for guidance as to the appropriate method.