

**State System of Higher Education  
Facilities Manual**

**Volume VIII**

**Accomplishment of Facilities Projects**

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Facilities projects are designed and/or accomplished by university employees or are acquired by contract procurement for the State System of Higher Education (System) through System facilities contract administration or through the Commonwealth Department of General Services' (DGS) contract administrative procedures.

***State System Administration***

All facilities projects, other than those funded through the Commonwealth's Capital Appropriations (unless specifically delegated by DGS), may be constructed, renovated, repaired, or maintained by contract according to public contracting procedures administered by the State System of Higher Education. Individual university presidents and designated individuals within each university may be delegated contract authority pursuant to Board of Governors Policy 1990-04, if qualified. The facilities contract administration procedures approved for use by the System are addressed in Section A of this volume, and in the System's *Administrative Procedures for Professional Services*, Volume XXI; and *Contract Procurement for Facilities Projects* manuals, Volume XXII.

***Department of General Services Administration***

The Department of General Services, by Act 45 of 1975, has the contract administration responsibilities for all projects authorized by Commonwealth capital authorization acts. DGS also may be requested to administer university-funded projects by specific work requests. However, such requests are rarely made since the System was granted facilities contract administration authority by Act 103 of 1990. DGS administers contracts for professional services or construction according to Act 45, the Commonwealth Procurement Code (62 P.S.), and departmental instructions similar to the System administrative procedures for procurement of facilities projects. The procedures used by DGS for administering System facilities projects are discussed in Volume VIII-B.

***Facilities Project Accomplishment***

**Statutory Requirements**

It is essential that Commonwealth laws regarding the practice of engineering and architecture and all governing codes are observed whenever a facilities project is undertaken, regardless of the method of accomplishment.

## **Engineering and Architecture**

The Commonwealth of Pennsylvania Engineer, Land Surveyor and Geologist Registration Law (63 P.S.) states, “In order to safeguard life, health or property and to promote the general welfare, it is unlawful for any person to practice or to offer to practice engineering in this Commonwealth, unless he is licensed and registered under the laws of this Commonwealth as a professional engineer, for any person to practice or to offer to practice land surveying, unless he is licensed and registered under the laws of this Commonwealth as a professional land surveyor, or for any person to practice or to offer to practice geology unless he is licensed and registered under the laws of this Commonwealth as a professional geologist.”

The Commonwealth of Pennsylvania Architects Licensure Law (63 P.S.) states, “In order to protect the health, safety and property of the people of the Commonwealth of Pennsylvania and to promote their welfare, no person shall engage in the practice of architecture in this Commonwealth except in compliance with the requirements of this act.”

These Laws contain definitions and categorization of the various activities associated with architecture, engineering, surveying, and geology, and they outline the requirements and limitations for those activities.

As they relate to design and construction of System facilities projects, these statutes are very clear. Unless registered, System employees may not engage in the practice of engineering or architecture, and, if registered, must comply with the provisions of these statutes, including sealing all drawings as required by registration and licensure laws. The only projects that non-registered university personnel may design in-house, without the aid of or under the direction of a registered professional, are those for remodeling or alteration of a building not involving structural or egress changes or additions thereto. All other projects must be designed and sealed by a registered professional.

According to Act 188 of 1982 and the Commonwealth Procurement Code (62 P.S.), selection of professionals for providing engineering and architectural services must be based on merit. The procedures for selection and contracting for professional engineering and architectural services for projects administered by System personnel are specified in the *System Administrative Procedures for Professional Services* manual. All other services exceeding \$10,000 must be procured on a competitive bid basis or through a Request for Proposal (RFP) in which price would be a factor in the evaluation.

It should be noted that the definitions and categorizations of professional engineering and architectural services in the Engineer, Land Surveyor and Geologist Registration Law are different from those for professional services in the Commonwealth Procurement Code. For purposes of project design, the Engineer Law governs. For purposes of procuring those services, the Procurement Code governs.

## **Building Codes**

Act 45, the Pennsylvania Construction Code Act (November 1999), established the Uniform Construction Code (UCC) as a State-wide building code, replacing various codes used by municipalities. The UCC took effect in April 2004. The UCC originally utilized the 2003 International Building Codes (IBC) as its reference codes, and later adopted the 2006 IBC when they were published. Act 45 has been amended numerous times (once in 2001, three times in 2004, once in 2005, twice in 2006, etc.). Most amendments were put in place to create exceptions, clarify requirements for special facilities, and improve various procedures.

The Commonwealth of Pennsylvania Department of Labor & Industry (L&I) is the code administrator for all State-owned buildings. Previously, L&I involvement was limited to enforcing fire and panic

regulations and universal accessibility standards. These functions are now incorporated into the UCC process.

Municipalities no longer have jurisdiction on universities for building permits and inspection. Municipalities do retain jurisdiction, however, for planning, land use, zoning, and similar permitting and approvals on university property. Municipalities may observe L&I inspections of State-owned buildings, but when doing so they have no authority.

The consideration of what is State-owned lies in how the facility is titled (real property title). If the university holds the title to the facility, that facility will fall under L&I's jurisdiction for UCC. If a university affiliate holds the title to the facility, that facility will most likely not fall under L&I's jurisdiction for UCC. It will then fall under the local municipality's jurisdiction for UCC. In both cases, however, it must comply with UCC, with the difference being who reviews the designs and inspects the construction.

In its role as code administrator for all State-owned buildings, L&I reviews and approves designs (plans and specifications) and, if approved, issues construction permits. Design reviews are done centrally in Harrisburg. Usually the design professional for the project is responsible to ensure this gets completed. L&I may, by law, take up to 6 weeks to complete a review, possibly adding time to the design phase. However, their review time is normally much shorter than this.

Then, an L&I local inspector inspects construction at various key times during construction. Coordination for these inspections is usually the responsibility of the construction contractor(s) for the project. Poor coordination for these inspections may cause delays during construction or in final completion. All changes to the design during construction, and some shop drawings, technically must be submitted for central review and approval. However, in practice, routine changes are incorporated into the construction with approval of the local inspector. Once a final construction inspection is made, L&I issues an occupancy permit. Lastly, the L&I inspector has final say as to code interpretation, regardless of previous design approval.

All new construction, renovation, alteration, repair, demolition, removal, movement, replacement of systems, and change in occupancy are subject to the UCC. The UCC does allow the use of Annual Permits for limited alterations of approved electrical, gas, mechanical, and plumbing systems in existing facilities during a 12-month period. Universities often use these for work that their in-house workforces perform.

L&I's Building Codes web site is <http://www.dli.state.pa.us/landi/cwp/view.asp?a=310&q=210892>.