



STATE OF ALABAMA  
BUILDING COMMISSION

770 WASHINGTON AVE  
SUITE 444  
Montgomery, Alabama 36130-1150  
Telephone: (334) 242-4082  
Fax: (334) 242-4182

ROBERT BENTLEY  
Governor

Katherine Lynn  
Director

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**TO: STATE AGENCIES, K-12 SUPERINTENDENTS, COMMUNITY COLLEGES, UNIVERSITIES, OWNERS OF PRIVATE SCHOOLS, HOTELS AND MOTELS, AND MOTION-PICTURE THEATRES**

**FROM: KATHERINE LYNN, DIRECTOR  
ALABAMA BUILDING COMMISSION**  
*Katherine Lynn*

**SUBJECT: ADMINISTRATIVE RULE 170X-8 COLLECTION OF USER FEES**

The Alabama Building Commission has adopted a new rule, Administrative Rule 170X-8 Collection of User Fees, which will go into effect October 1, 2014. The full text of Administrative Rule 170X-8 is available on the Building Commission's website at [www.bc.alabama.gov](http://www.bc.alabama.gov).

**Summary**

A brief summary of the Administrative Rule is provided below:

**Plan Review Fee:** A plan review fee will be required for plans submitted after October 1, 2014. An initial plan review fee of 50% not to exceed \$500 will be due at the preliminary or schematic submittal and a final plan review fee for the remaining balance will be due upon receipt of the final plan submittal. No additional fee will be charged for the first revised final submittal. Additional revised final reviews (after the first revised final submittal) shall be subject to a fee equal to 15% of the final plan review fee not to exceed \$2000.

**Permit Fee:** A permit fee will be required for projects inspected by the Building Commission and bidding after October 1, 2014. The permit fee is outlined in the Administrative Rule 170X-8.

**Contract Administration Fee:** A construction administration fee will be required for construction contracts reviewed and administered by the Building Commission. The fee is equal to ½ of 1% of the construction contract amount. In general, the construction administration fee will apply to state agencies, community colleges and PSCA-funded projects. The construction administration fee will not apply to locally-funded K-12 projects or locally-funded higher education projects.

## Plan Review Fees

### Plans Submitted for Review before October 1, 2014

Final plans submitted before October 1, 2014 are exempt from the plan review fee. The first revised final submitted after October 1, 2014 will not be subject to the plan review fee but additional revised finals will be subject to the additional revised final review fee of 15% of the final review fee not to exceed \$2000.

### Plans Submitted for Review after October 1, 2014

Schematic, preliminary or final plans submitted after October 1, 2014 are subject to the plan review submittal fee. Plans submitted after October 1, 2014 are not eligible to receive an initial plan review credit even if the schematic or preliminary plans were received prior to October 1, 2014.

### Payment of Plan Review Fees

Plan review fee may be paid directly to the Building Commission by the Owner or, at the Owner's request, may be submitted by the architect and reimbursed to the architect by the Owner.

If submitting checks to the Building Commission, the architect must print two copies of the plan review fee form. One copy must be attached to the B-1 submittal form submitted with the plans. The other copy shall be given to the Owner and the Owner shall attach the check to the plan review fee form and submit to the Building Commission.

The 30-day review period begins on the date payment is received. The plan review fee will be refunded to the Owner for reviews not completed within 30 days.

## Permit Fees

### Public Works Projects Bidding After October 1, 2014

ABC Form C-8, "General Conditions of the Construction Contract", Article 44, Para. A, states the following:

*Unless otherwise provided in the Contract Documents, the Contractor shall secure and pay for the building permit and other permits and governmental fees, licenses and all inspections necessary for proper execution and completion of the Work which are customarily secured after award of the Construction Contract and which are in effect on the date of receipt of bids.*

For public works projects falling under the Building Commission's jurisdiction and bid after October 1, 2014, the design professional shall include a copy of the Building Commission's user fee schedule in the project manual and specify that the permit fee is to be included in the contractor's bid and paid by the Contractor.

At the Owner's option, the Owner may pay the permit fee directly to the Building Commission. However, the Pre-construction Conference cannot be held until both (1) the permit fee and (2) the signed construction contract have been received by the Building Commission.



### **Scheduling of Inspections**

The contractor will contact the design professional by e-mail of the date the project will be ready for an inspection.

The design professional will contact the Building Commission (BC) Inspector to schedule the first available date for the inspection. Inspections must be requested 14 days in advance.

When the BC Inspector confirms the inspection time, the design professional will send an e-mail confirming the inspection time and date. The e-mail must be sent to the contractor, BC Inspector, owner and the BC main office ([jennie.jones@bc.alabama.gov](mailto:jennie.jones@bc.alabama.gov)). All requests for inspections must come from the design professional and sent to the BC Inspector with copies to the contractor, owner, and BC main office ([jennie.jones@bc.alabama.gov](mailto:jennie.jones@bc.alabama.gov)).

Cancellations of any scheduled inspection must be received in writing by e-mail no less than 48 hours prior to the schedule inspection. The e-mail must be sent to the contractor, BC inspector, owner and the BC main office ([jennie.jones@bc.alabama.gov](mailto:jennie.jones@bc.alabama.gov)). If an inspection is cancelled, it will be rescheduled subject to the BC Inspector's availability.

If an inspection is cancelled less than 48 hours prior to the schedule inspection, the re-inspection fee of \$1500 will be charged.

### **Minimum Requirements for Required Inspections**

The following minimum requirements listed below are provided to aid the contractors and architects in determining if a project is ready for a required inspection.

#### **Pre-Construction Conference**

Required Attendees: Contractor, Owner, Architect, Major Subcontractors

Inspection Requirements:

- Signed construction contract
- Verification of payment of permit fee
- Contractor's Statement of Responsibility and Quality Assurance Plan (for storm shelter)
- Fire Alarm Contractor's Certification (from State Fire Marshal)
- ADEM permit, if more than 1 acre of land is disturbed

#### **Pre-Construction Conference for Storm Shelter**

Required Attendees: Contractor, Owner, Architect, Structural Engineer, Major Subcontractors, Special Inspections Representative

Inspection Requirements:

- BC Inspector must have already received Contractor's Statement of Responsibility and Quality Assurance Plan

#### **Pre-Roofing Conference**

Required Attendees: Contractor, Owner, Architect, Roofing Subcontractor, Roofing Manufacturer's Representative

Inspection Requirements:

- Roofing submittals **must be approved by the architect** prior to pre-roofing conference
- Roofing manufacturer must provide documentation that roof design and roofing materials meet code requirements for wind uplift and impact resistance
- Copy of sample roofing warranty

#### Above-Ceiling Inspections

Required Attendees: Contractor, Owner, Architect, MEP Engineers, Major Subcontractors

Inspection Requirements:

- All work must be completed except for installation of ceiling tiles and/or hard ceilings
- Space must be conditioned
- Permanent power must be connected unless otherwise arranged with the BC Inspector
- Grease duct must be inspected and approved by the BC Inspector prior to fire wrapping and Above-Ceiling Inspection

#### Life Safety Inspections and Final Inspections

Required Attendees: Contractor, Owner, Architect, Engineers, Major Subcontractors, Local Fire Marshal

Inspection Requirements:

- Fire alarm certification
- Kitchen hood fire suppression system certification
- General Contractor's 5-Year Roofing Warranty (ABC Form C-9)
- Roofing manufacturer's guaranty
- Above ground and below ground sprinkler certifications
- Completed Certificate of Structural Engineer's Observations for storm shelters
- Emergency and exit lighting tests
- **Fire alarm must be monitored**
- Elevator Inspection completed and Certificate of Operation provided by the State of Alabama Department of Labor
- Boiler/Vessels Inspection completed and Certificate of Operation provided by the State of Alabama Department of Labor
- Flush test for underground sprinkler lines (witnessed by local fire marshal, fire chief and/or BC Inspector)
- Flush/pressure test for new and/or existing fire hydrants
- Must have clear egress/access and emergency (for first responders) access to building
- Must have ADA access completed

#### Year-End Inspections

Required Attendees: Contractor, Owner, Architect, Engineers and/or Major subcontractors may also be required to attend

Inspection Requirements:

- Owner's list of documented warranty items



### **Contract Administration Fee**

The contract administration fee is applicable only to projects where the contract documents (Owner-Architect agreements, amendments, construction contracts, change orders and modifications) are reviewed, approved and administered by the Building Commission. In general, this includes state agencies, community colleges, PSCA-funded projects and other bond funded projects. The construction administration fee is not applicable to locally-funded K-12 projects or locally-funded higher education projects which are not reviewed by the Building Commission.

The contract administration fee shall be due as follows:

- Half of the fee will be due upon receipt of the Owner-Architect Agreement. The fee shall be equal to ¼ of 1% of the estimated Cost of the Work.
- Half of the fee will be due upon receipt of the Construction Contract. The fee shall be equal to ¼ of 1% of the Construction Contract amount.

### **Final Reconciliation**

A request for the contractor's final pay application will be sent to the Owner with the executed Certificate of Substantial Completion. An invoice for the final reconciliation of the plan review fee and permit fee shall be sent to the Owner after the contractor's final pay application is received. Payment for the final reconciliation of the permit fee, the plan review fee, and contract administration fee (if applicable) must be received prior to the year-end inspection.

### **Payment Options**

- Fees may be paid by check or money order mailed directly to the Building Commission
- An option to make on-line payments will be available through the Building Commission's website in early October 2014. On-line payments may be made by credit card or by e-check. Credit card transactions will be charged an additional 3.5% surcharge and e-check transactions will be charged an additional \$3 per transaction (must be drawn from a U.S. banking institution).
- Electronic payments can only be made for each individual project and cannot be combined for multiple projects.
- State agencies who wish to pay using inter-agency transfer must contact Chris McCracken at 334-353-3205 or [chris.mccracken@bc.alabama.gov](mailto:chris.mccracken@bc.alabama.gov) or Jennie Jones at 334-242-4808 or [jennie.jones@bc.alabama.gov](mailto:jennie.jones@bc.alabama.gov).

If you have any questions, please contact Katherine Lynn at the Alabama Building Commission at (334) 242-4082 or by e-mail at [Katherine.lynn@bc.alabama.gov](mailto:Katherine.lynn@bc.alabama.gov).

cc: Mr. Ben Albritton, Assistant Attorney General