

DESIGN REVIEW SECTION

Frequently Asked Questions

1. Is my project subject to review and approval by the Division of Building Authority? **If you are an Arkansas State Agency subject to DBA oversight and your project's estimated cost exceeds \$20,000 then you must submit your project to DBA Design Review when the plans and specifications are 100% complete and ready for review in accordance with the 111 CAR § Subpar 15 commonly known as the DBA Minimum Standards and Criteria (MSC). This applies to all projects regardless of the source of the labor (i.e. in-house labor).**

If you are an Arkansas Public School District (K-12) and your project is a new building housing academic, administrative or physical education functions you must submit your project to DBA Design Review when the plans are 100% complete. DBA performs a review for ADA accessibility only for these projects in conjunction with the Arkansas Department of Education, Division of Public Schools Facilities and Transportation.

2. I am submitting a Public School project for accessibility review. Do I need to include all drawings and specification sections or only the site plan and floor plans?
You must submit a complete set of plans and specifications in PDF format through the portal for DBA review. Partial sets cannot be adequately reviewed as there are elements in the mechanical and electrical portions of the work that must meet the accessibility guidelines.
3. My project is for a private residence, a private commercial business, or for a municipality or county government unit. Is my project subject to DBA review? **DBA maintains oversight of state agency projects only. DBA has no oversight of residential or private commercial projects. Questions regarding a construction code or a permit project should be directed to your local city or county officials. Questions regarding building codes (the Arkansas Fire Prevention Code) should be directed to the [Arkansas State Fire Marshal](#).**
4. My project is a simple maintenance project involving only the repair or replacement of an existing element at my site such as, repainting the interior of the building, overlaying an existing asphalt parking lot or replacing an existing roof, or etc. Will my project be considered a capital improvement subject to DBA plan review?
This would depend upon the scope (i.e. cost) of the project and the nature of the work. If the work meets the definition of "maintenance work" as defined in the DBA MSC § 111-107 or is estimated at less than \$20,000 in construction cost then

the project would not be subject to DBA oversight. If the project does not meet the definition of maintenance work and is over \$20,000 in estimated cost then a plan review submittal will be required. If you have questions concerning a specific project scope you should contact the Administrator of the Design Review Section at (501)-682-5544.

5. My project involves the procurement and installation of modular furniture only. Will my project be subject to DBA oversight?

Project involving the procurement and installation of modular furniture wherein none of the furniture is permanently attached or connected to the building structure or building services may be procured as a commodity purchase through the Office of State Procurement in the Department of Finance and Administration and will not require submittal to DBA. The use of “quick connect fittings” for electrical connection to the building electrical system does not constitute a permanent connection.

However, if the furniture is anchored to the walls or floors of the building or if the electrical or telecommunications cabling is hardwired to the building systems with wire-nuts or bolted connections then the project would be considered a capital improvement subject to DBA oversight. Nothing in the Office of State Procurement regulations or DBA MSC prohibits an Agency from including modular furniture in a normal capital improvement project processed through DBA.

6. My project involves the procurement and installation of telephone or data cabling only and is estimated at more than \$20,000. Will my project be subject to DBA plan review?

Yes. Projects involving the installation of any component wherein the component is attached to an existing system or wherein the component is supported or suspended by a bracket, hanger, or raceway system which is anchored or attached to the building walls or structure is considered a capital improvement subject to DBA oversight.

7. My project involves the procurement and installation of cabling or piping which will be only installed outside of the building. Will my project be subject to DBA plan review?

Yes. Installation of cabling, piping, drainage structures, roads, parking lots, sidewalks, landscaping, or any similar features exterior of a building are considered capital improvements subject to DBA oversight.

8. Can my Agency procure any materials or equipment as a commodity under the Office of State Procurement rules for use on a capital improvement project that will be bid

Yes. Agencies can procure or provide any materials or equipment as “owner furnished materials” under a capital improvement project bid through DBA. Prior DBA review and approval of specifications used in procurement of materials or equipment acquired as a commodity purchase is not required.

However, when submitting the plans and specifications for the installation of such owner furnished materials, the specification manual should contain the appropriate sections for these materials specifying the installing contractors obligations in the receiving, handling, storage and installation of such materials or equipment. The technical specifications should also be included in the manual for reference and record and should clearly stipulate that the material or equipment is being furnished by the owner so as to avoid duplication in pricing by the contractor.

9. My Agency intends to perform all labor for a construction project with in-house agency employees. Am I still required to submit plans and specifications to DBA for review?

Yes. Projects exceeding an estimated construction cost of \$20,000 for materials and labor based on outside contract labor estimates require approval of the plans and specifications prior to commencement of the work.

10. If my project has been approved for Emergency Contracting under the provisions of DBA MSC § 111-203 will I need to submit plans and specifications to the Design Review Section prior to bidding the project?

Yes. DBA MSC § 111-203 requires the plans and specifications to be submitted to the Design Review Section for approval prior to processing the bid and award of the construction contract. All provisions of the DBA MSC Section 2 remain applicable to projects executed under the Emergency Contracting method. The Design Review Section will execute the plan review process expediently as possible and commensurate with the nature of the emergency request.

11. What is required when making a plan review submittal to DBA?

Plan review submittal requirements can be found in the DBA Minimum Standards and Criteria under § 111-1504. You may also use the submittal checklist located under Design Review Section Forms and Resources on this website as a general guide.

12. Can my project specifications include a requirement for a material or item of equipment to be furnished from a single (sole) source or a proprietary source when it is in the State’s best interest?

Yes, provided the Agency has obtained prior approval from DBA for the inclusion of such specifications. Refer to the DBA MSC § 111-904 for the criteria for submitting such request.

13. Should the plan review submittal include the Division Zero (0) documents since DBA provides the template for these documents?

Submittal of the Division Zero documents to the Design Review Section is not a mandatory requirement. However submittal of Division Zero to the Construction Section is mandatory. You must obtain approval of Division Zero before DBA Construction can assign a bid date to a project. While not a mandatory submittal requirement it is helpful to the reviewer if the Division Zero is included so that issues regarding unit pricing and subcontractor listing can be identified early in the review process.

14. Should the plan review submittal include Division One (1) documents?

Yes. It is the responsibility of the design professional to produce the Division One sections and a requirement for these to be submitted for review and approval with the remainder of the project documents.

15. Should I obtain DBA approval to bid the plans and specifications before I submit the plans to the Health Department, State Fire Marshal or other regulatory review agency since DBA comments may change the plans and result in re-submittal to the regulatory agency?

No. DBA MSC § 111-408 and § 111-1504 requires submittal of regulatory approval letters and variances with the plan review submittal. If you have concerns that DBA review comments may require changes and re-submittal to a regulatory review agency, you may contact the Design Review Section Administrator at (501) 682-5544 prior to finalizing the plans to discuss your concerns thus allowing the design professional to make corrections prior to submittal to a regulatory agency or to DBA.

16. Will every project require prior approval by the State Fire Marshal before DBA can approve the project for bidding?

No. The Arkansas Fire Prevention Code § 106.1.6 contains a listing of project types that require mandatory review by the State Fire Marshal's office. These types of projects must be approved by the Fire Marshal before submittal to DBA for final review. Other types of projects may be submitted to the State Fire Marshal's Office upon request to that office. If your project is voluntarily submitted for prior review and approval by the State Fire Marshal or any other regulatory review agency, include copies of the review or approval letters when making a plan review submittal to DBA.

17. Will my project be subject to the Local Fire Official or Building Official's review and approval before DBA can approve the project for bidding?

Yes in most cases. DBA MSC § 111-408 requires that local officials be given an opportunity to review the plans and specifications for a state project to allow the local officials to be aware of the project and provide commentary on issues affecting delivery of local services such as fire fighting and emergency response services. This can include such projects as fencing or landscaping project that may restrict or inhibit access to fire hydrants, deployment of emergency vehicles and safety of first responders. You should check with the local fire officials and the State Fire Marshal's Office for their plan review submittal requirements. The State Fire Marshal may have a memorandum of agreement or structured arrangement whereby the State Fire Marshal may have delegated some review authority to the local fire official.

18. Am I required to submit my project plans and specifications to the local utility company for review?

Not necessarily. However, if your project is located in an area where utility service is limited or marginally adequate and when your project may increase or decrease your utility consumption by 10% or more, DBA strongly encourages that you discuss your project with the various utility account representatives serving your facility in the initial planning phase so that the utility provider will have ample time to assess the quantity and quality of their respective services to ensure that adequate service capacity is available and that the Agency is on the appropriate billing rate structure. Early utility company input can often influence the project design in a positive way that can result in overall lower construction cost and utility expenditure by the State.

19. Does DBA issue a building permit for my project?

No. DBA does not issue a building permit for State projects. DBA does however issue permits for developments within the 100-year floodplain. Refer to DBA MSC § 111-701 for the DBA Floodplain Management Program Standards.

20. I am an out-of-state design professional working on a project in Arkansas for the first time. What codes does Arkansas enforce and where can I get a copy?

DBA is not responsible for the development or enforcement of Arkansas' codes as they relate to public, commercial or residential construction. There is no central clearing house regarding all applicable codes in the State of Arkansas. You should check with the local City or County officials where your project will be undertaken to determine which local codes or ordinances may be applicable. You can find a list of the most commonly requested State codes along with the

name of the enforcement agency and a point of contact on this website.

21. I am an out-of-state manufacturer supplying a product to a construction project in Arkansas. What are Arkansas' code requirements that are applicable to my product?
The Division of Building Authority is not responsible for the development or enforcement of Arkansas' codes as they relate to public, commercial or residential construction. There is no central clearing house regarding all applicable codes in the State of Arkansas. You should check with the local City or County officials where your project will be undertaken to determine local codes or ordinances may be applicable. You can find a list of the most commonly requested State codes along with the name of the enforcement agency and a point of contact on this website.
22. I am a design professional who has not provided services for state agencies. Is there a way that I can add my firm's name to a list for consideration for future state design contracts?
No, there is no central list that state agencies in Arkansas select from when seeking design professionals for projects. Agencies subject to DBA oversight are required to publish public notification of their intent to solicit qualifications from design professional when they have a need for such services and the estimated value of those services will exceed \$25,000 in fees. Most agencies publish this notice in the Arkansas Democrat-Gazette news paper. You should check this publication and the local news outlets for notifications. Many agencies also post their notices on their Agency website and often on the DBA website.
23. I am an out-of-state design professional who wishes to respond to a request for qualifications from an Arkansas State Agency. Am I required to be licensed by the Board of Architects or Board of Engineers in Arkansas at the time I respond to the request or just at the time I enter into a contract with the Agency?
Both the Arkansas Boards' (Architectural and Engineering) rules require a design professional to be licensed by the respective Board in order to offer to practice in Arkansas. Response to a request for qualifications constitutes an offer to practice in Arkansas and therefore you must possess a valid license from the appropriate board.
24. I am a design professional working for a state agency for the first time and I have been told that my project is subject to review by the Division of Building Authority. Where can I find the DBA plan review submittal requirements?
Division of Building Authority works directly with the Agency through a point of contact known as "Agency Project Coordinator". This individual is responsible

for all documentation that is to be submitted to DBA. The design professional is responsible for assisting the project coordinator in preparation of this submittal paperwork. Coordinate your activities with the Agency Project Coordinator. You can also find a plan review submittal checklist that can be used a general guideline on this website.