Name: J. Alan Rogers, BXS Insurance

Comment: My question; was the addition of electronic bid security discussed including the definition of electronic?

Department Response: Comment considered; no changes made. Electronic bid security may be available in the future, but it is not available at this time.

Name: Gib Richardson, AR ARNG/Department of the Military

Comment: The main change the Department of the Military would like see is the ability to use our On-Call Architects and Engineers on projects with estimated construction costs up to $3,000,000. The $1,000,000 threshold is very outdated with today's construction costs. I think we've highlighted all of the places that references this threshold. Most of our projects are 100% federally reimbursed, and we sometimes miss opportunities to receive federal money for projects because we don't have time to go through the RFQ process to select the design professional.

This is a lower priority, but we'd also like to see some exceptions on the Capital Improvements threshold that requires review by DBA. (Para 3-101) For instance, we don't think we need an A/E firm to design (and DBA review) projects like:
- painting (interior and exterior)
- floor covering replacement
- re-roofing with shingles
- siding repair/replacement

We saw that threshold was raised from $35,000 to $50,000 and that's a great improvement, but we still believe there could be some exceptions.

The Military Department greatly appreciated the opportunity to review and provide comments on this draft. We look forward to answering any questions you might have about our suggestions.

Department Response: Comment considered; no changes made. The $1,000,000 threshold for performance-based contracts is set by Ark. Code Ann. § 19-11-267 and the limit for capital improvement projects is set by Ark. Code Ann. § 22-9-203.

Name: Emily Bowers, Green Building Initiative

Comment: My name is Emily Bowers, and I am the Director of State and Local Engagement at the Green Building Initiative (GBI).
I am writing to express our appreciation for including our ANSI-accredited green building certification, Green Globes, in the Building Authority Minimum Standards and Criteria. GBI has certified over 3.7 million square feet of commercial and multifamily property in the state of Arkansas, and as the Minimum Standards and Criteria rules are amended, we wanted to offer any supported needed if questions surrounding green building efforts or commissioning arise.

We are passionate about mitigating climate impacts through the built environment and appreciate the strides the State of Arkansas has made for their constituents.

Please let me know if we can ever be of service to the Department.

Thank you,
Emily Bowers

Department Response: Comment considered; no changes made.

Name: Randy Stocks, Stocks-Mann Architects, PLC

Comment: Please consider adding the following multiplier to the Design Service Fee Schedule in Article 2-211 under 2-211(B) of the MSC:

6. For projects involving extensive site development requiring additional civil engineering, over and above typical site development, such as underground utility extensions to the site, complex subsurface stormwater systems and/or stormwater detention systems, roadway design to access the site, complex soil stabilization methods, etc., add a maximum of 1.0% to the fees indicated.

Rationale: Some sites chosen by Agencies/Departments involve much more extensive site development design and engineering than other simple sites with basic pavement, surface drainage and hookup to existing utilities already on site. These more extensive sites require the architect to engage a civil engineer. Civil engineers require a 2% to 4% higher fee than the fees in the MSC Design Service Fee Schedule. In these instances, either the architect must pay for these higher fees out of their basic fees or the civil engineer has to take a reduced fee. In either case, the one or the other of the design professionals is penalized due to the nature of the site. The same building on a simple site that doesn’t require civil engineering would yield a standard fee for the architect. The same building on a complex site requiring a civil engineer would yield a reduced fee for the architect, even though the architect’s scope of work for the building is the same. This proposed multiplier would at least allow some recognition for complex sites and provide a means to negotiate an increase to the basic fee commensurate with the site development requirements.

If you have any questions regarding this proposal, please contact me. Thank you for your consideration.

Department Response: Comment considered; no changes made. Comment will be kept for review, research, and consideration for future rule updates.
Name: Lacey Johnson, Bureau of Legislative Research

Comment: I just finished reviewing the DBA rule changes. I don’t have any substantive questions about them, but I did want to flag a couple of typos.

- § 2-101(G): “…which exceeds fifty thousand dollars ($50,000) dollars…”
- § 2-1504(B)(7): “Lots” should not be struck through.
- § 2-1504(B)(8): close parentheses after “utility line crossings.”
- § 3-200(A): “… they must consult with the from the Real Estate Services Section…”
- § 3-202(C) says “Departmen’t” instead of Department’s.

Department Response: Comment considered; grammatical issues and typos corrected.

Name: Randall Palculict, Jackson Brown Palculict Architects

Comment: Per AIA contract documents, Civil and Landscape Architecture are not part of Basic Architectural services. For assignments that do not fall under DBA, sometimes a building owner will choose to contract separately with those disciplines at other times they are included as “additional services”. I recommend removing Civil, and Landscape Architecture from list of “Basic Services” in section 2-202 (highlighted below).

2-202 ARCHITECTURAL AND BUILDING RELATED ENGINEERING SERVICES FEES (A) Fees shall be based on the Design Services Fee Schedule shown in §2-211. This fee schedule is to be used for all Architectural, Civil, Landscape Architecture, Structural, Mechanical, and Electrical Design Professional Services. These fees shall be considered part of “Basic Services” for a project as defined in §2-201.

I have copied Brent Stevenson the Executive Director of AIA Arkansas. Please let us know if you have any questions.

Thank you

rp

Department Response: Comment considered; no changes made.
Hi, Jennifer,

I just finished reviewing the DBA rule changes. I don’t have any substantive questions about them, but I did want to flag a couple of typos.

- § 2-101(G): “...which exceeds fifty thousand dollars ($50,000) dollars...”
- § 2-1504(B)(7): “Lots” should not be struck through.
- § 2-1504(B)(8): close parentheses after “utility line crossings.”
- § 3-200(A): “…they must consult with the from the Real Estate Services Section...”
- § 3-202(C) says “Departmen’st” instead of Department’s.

Thanks!

Lacey A. Johnson  
Legislative Attorney, Administrative Rules Review Section  
Bureau of Legislative Research  
1 Capitol Mall, 5th Floor  
Little Rock, Arkansas 72201  
501.683.1916
To Whom It May Concern:

My name is Emily Bowers, and I am the Director of State and Local Engagement at the Green Building Initiative (GBI).

I am writing to express our appreciation for including our ANSI-accredited green building certification, Green Globes, in the Building Authority Minimum Standards and Criteria. GBI has certified over 3.7 million square feet of commercial and multifamily property in the state of Arkansas, and as the Minimum Standards and Criteria rules are amended, we wanted to offer any supported needed if questions surrounding green building efforts or commissioning arise.

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Please let me know if we can ever be of service to the Department.

Thank you,

Emily Bowers

Emily Bowers | Director, State and Local Engagement | Green Building Initiative
Atlanta, GA

Direct: 678.457.6747

Website | Facebook | Twitter | Instagram | LinkedIn

Payment Address: 2885 Sanford Ave, SW #34740 Grandville, MI 49418
Mailing Address: 7805 S.W. 40th #80010, Portland, OR 97219
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If you have any questions regarding this proposal, please contact me. Thank you for your consideration.

Randy Stocks, AIA
STOCKS-MANN ARCHITECTS, PLC
401 W. Capitol, Suite 402
Little Rock, AR  72201
501-370-9207
---Original Message-----
From: Richardson, Gib T CIV NG ARARNG (USA) <gib.t.richardson.civ@army.mil>
Sent: Thursday, July 28, 2022 9:25 AM
To: Anthony Black <Anthony.Black@arkansas.gov>
Cc: Doran White <doran.white@arkansas.gov>; Sailor, Edith C COL USARMY NG ARARNG (USA) <edith.c.sailor.mil@army.mil>; Evans, Roger Dennis CIV NG ARARNG (USA) <roger.d.evans26.civ@army.mil>; Douglas, Johnny N CIV NG ARARNG (USA) <johnny.n.douglas.civ@army.mil>
Subject: Department of the Military's comments on the DBA-MSC draft

[Some people who received this message don't often get email from gib.t.richardson.civ@army.mil. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Mr. Black/Ms. Davis
The main change the Department of the Military would like see is the ability to use our On-Call Architects and Engineers on projects with estimated construction costs up to $3,000,000. The $1,000,000 threshold is very outdated with today's construction costs. I think we've highlighted all of the places that references this threshold. Most of our projects are 100% federally reimbursed, and we sometimes miss opportunities to receive federal money for projects because we don't have time to go through the RFQ process to select the design professional.

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We saw that threshold was raised from $35,000 to $50,000 and that's a great improvement, but we still believe there could be some exceptions.

The Military Department greatly appreciated the opportunity to review and provide comments on this draft. We look forward to answering any questions you might have about our suggestions.

Respectfully,
Gib Richardson
Business Manager/Deputy CFMO
Doran, I hope all is well. I still have not returned to the normal bid letting appearances as I was pre-covid. I was looking at the attached draft received via the ABC. My question; was the addition of electronic bid security discussed including the definition of electronic?

J. Alan Rogers | Vice President – Insurance, Surety, Risk Solutions
BXS Insurance | 8315 Cantrell | Little Rock, AR 72227
Alan.Rogers@bxsi.com | bxsi.com

As the COVID-19 outbreak continues to affect lives globally, our entire BXS team is working to ensure we provide the best service and information possible. To learn more, click HERE, or please give us a call.

Good Afternoon,

I was asked to pass along the information below from the Arkansas Department of Transformation and Shared Services, Division of Building Authority regarding their rules in their Minimum Standards and Criteria. They thought our members would want to know so here you go!

Thanks,

Megan (Greenland) Williams
Vice President of Chapter Development
Associated Builders & Contractors of Arkansas
What are your industry needs? How can ABC be an even better resource for you?

NAWIC Greater Little Rock Chapter:
Immediate Past Chapter President
Ask me about NAWIC! | www.nawic12.org

From: Doran White <Doran.White@arkansas.gov>
Subject: Draft MSC Public Comment Period

Dear Colleague:

Division of Building Authority is in the process of revising the rules contained in our Minimum Standards and Criteria. The attached file contains revisions stemming from legislative changes and general updates. The last major revision of these rules occurred in 2012. Due to your involvement with our department, we would like to share with you, our draft. Your input (comments/concerns) on this draft would be greatly appreciated. Please distribute the attached draft of the proposed changes to the appropriate persons in your organization for review. The language shown with strikeout will be deleted and the language shown underline will be added. I believe these changes are self-explanatory, but if you have any questions, please let us know. Below is the public comment period information for the draft Minimum Standards and Criteria. Thank you for your time. Doran

Minimum Standards and Criteria (Amended Rule)
Division: Division of Building Authority
Hearing Date and Time: August 2, 2022 at 10:00 a.m.
Hearing Location: 501 Woodlane, Ground Floor-Ouachitas Bid Room
Public Comment Deadline: Monday, August 15, 2022 at 4:30pm
Contact Person: Jennifer Davis
Send comments to TSS.RulesComments@arkansas.gov

Doran White
Construction Administrator
Transformation and Shared Services, Division of Building Authority
o. 501.682.5577 | m. 501.258.4921
CONFIDENTIALITY STATEMENT

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Good Afternoon Mrs. Davis,

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I have copied Brent Stevenson the Executive Director of AIA Arkansas.
Please let us know if you have any questions.

Thank you

rp