

Nebraska Department of Transportation
Capital Facilities Procedures Manual



May 2021

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Chapter 2 Objectives

- A. All buildings shall comply with Nebraska Revised Statute 71-6401-6407 and be structurally sound with the goal of being in conformance with applicable state and federal buildings codes, including but not limited to the following:
 - 1. Administrative Services – State Building Division (AS-SBD), when applicable
 - 2. American Concrete Institute (ACI)
 - 3. Americans with Disabilities Act (ADA)
 - 4. American National Standard Institute Safety Codes (ANSI)
 - 5. National Concrete Masonry Association (NCMA)
 - 6. National Electrical Code (NEC)
 - 7. National Fire Code (NFC)
 - 8. Occupational Safety and Health Administration (OSHA) Safety and Health Standards
 - 9. State Energy Office – International Energy Conservation Code (IECC)
 - 10. International Building Code (IBC)
 - 11. International Mechanical Code (IMC)
- B. To provide uniform functional space at comparable facilities throughout the state. Facilities need to be designed to operate at their highest level of efficiency in regards to mechanical and personnel resources. Criteria has been developed which states the type of equipment, materials, supplies or other items needing to be sheltered and space guidelines for the levels and number of employees.
- C. New buildings shall be designed to meet the following criteria:
 - 1. Constructed of durable low maintenance materials
 - 2. Adaptable to various uses
 - 3. Energy efficient.
 - 4. Adequate to serve the intended function.
 - 5. Compatible with surrounding environments, if possible.
- D. Facilities shall be designed and constructed for long-range functional use.
- E. Design of facilities shall consider present usage as well as future use.
- F. Consideration shall be given to consolidation of facilities and/or maintenance yards.
- G. Consideration shall be given to colocation with Nebraska State Patrol.

End of Chapter 2

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Chapter 1 Overview

A. Purpose

The objective of the Capital Facilities Program is to provide for construction of new facilities, and for the preventative maintenance and improvement of existing facilities. These facilities are needed to provide adequate and sanitary environments necessary for accomplishing the two major work programs of the Department, construction and maintenance of highways. A continuing Capital Facilities Program has been developed to: (1) ensure preventive maintenance is performed to obtain the maximum benefits from existing facilities and (2) enhance the efficient allocation of resources and ensure that construction of capital facilities keeps pace with the ever developing highway system. This program includes land acquisitions, new construction, improvements, modifications, and alterations that improve existing facilities.

It is intended that typical new maintenance shops with offices, construction crew quarters with offices, storage buildings, fences, etc. should be constructed of moderately priced materials with low maintenance requirements.

B. Capital Facilities Planning Committee

1. Duties

- a. Developing and recommending statewide biennial program, 6 year, and 20 year plan to NDOT Administration.
 - i. Collect District Information including scoping meetings
- b. Developing standards for the Capital Facilities statewide program.
- c. Review / Approval of change orders over \$10,000 for projects.
- d. Review Plans and Specifications to determine efficiencies.
- e. Ensure fiscal responsibility for assurance and compliance with the Capital Facilities Planning Program.
- f. Review and Approval of special programs assigned by Administration as required.

2. Members

The Chairperson for the committee will be the Capital Facilities Manager, and will not have a voting role, but will communicate decisions made by the committee to Administration.

Other roles include a:

- a. Controller Representative – Advisory
- b. Capital Facilities Project Manager – Representative
- c. Operations Division Head – Voting Member
- d. Operations Maintenance Section Head – Voting Member
- e. District Engineer – Voting Member
- f. District Operations Maintenance Manager – Voting Member
- g. District Construction Engineer – Voting Member

Each District representative will be from a different District, no District will have more than one representative at the same time. The District Representative will serve on the committee for a total of six years, and rotations will occur every two fiscal years.

3. NDOT Administration

NDOT Director and Deputy Directors

C. Capital Facilities - Operations Division - Functional Statements

1. Responsible for the inventory of the Department of Transportation buildings and attached accessories in owned or leased yards. (i.e. office, shops, rest areas, scales, warehouses, etc.)
2. Bid and advise District or Divisions preventive maintenance programs, including standards for buildings and grounds operation, maintenance and upkeep.

3. To provide a field liaison, as an advisor to the districts, relative to facilities maintenance problems, including inspections.
4. Determination of conditions and adequacy of existing facilities and maintain Facility Condition Index.
5. To investigate existing facilities' needs for repairs, restorations and improvements.
6. To develop and maintain a statewide inventory of buildings and grounds (sites) facilities.
7. To study and recommend location for new buildings and grounds facilities in coordination with uses, and make recommendations to the Committee.
8. To administer architecturally designed or engineered retrofits, restorations and new construction.
9. Oversee preparation of plans, specifications and bidding documents for retrofits, restorations and new construction.
10. To perform inspections, review shop drawings, and administer the construction phase of all buildings and grounds facilities projects.
11. To determine need for and acquire contractual and architectural/engineering consultant services. RFP process for K project and larger Capital Facilities projects, selection committee for voting.
12. Maintain construction records for all facilities to include contract documents, shop drawings, etc.

End of Chapter 1

Chapter 2 Objectives

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 - 4. American National Standard Institute Safety Codes (ANSI)
 - 5. National Concrete Masonry Association (NCMA)
 - 6. National Electrical Code (NEC)
 - 7. National Fire Code (NFC)
 - 8. Occupational Safety and Health Administration (OSHA) Safety and Health Standards
 - 9. State Energy Office – International Energy Conservation Code (IECC)
 - 10. International Building Code (IBC)
 - 11. International Mechanical Code (IMC)
- B. To provide uniform functional space at comparable facilities throughout the state. Facilities need to be designed to operate at their highest level of efficiency in regards to mechanical and personnel resources. Criteria has been developed which states the type of equipment, materials, supplies or other items needing to be sheltered and space guidelines for the levels and number of employees.
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 - 1. Constructed of durable low maintenance materials
 - 2. Adaptable to various uses
 - 3. Energy efficient.
 - 4. Adequate to serve the intended function.
 - 5. Compatible with surrounding environments, if possible.
- D. Facilities shall be designed and constructed for long-range functional use.
- E. Design of facilities shall consider present usage as well as future use.
- F. Consideration shall be given to consolidation of facilities and/or maintenance yards.
- G. Consideration shall be given to colocation with Nebraska State Patrol.

End of Chapter 2

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Chapter 3 “K” Construction Program

All projects that include construction, equipment, and development costs (including land purchases) are related to new structures or for changes or renovations to existing facilities if the work is estimated to cost greater than \$640,000 or when new square footage is added to an existing building. An AFE is required.

A. Long-Range Program – (20-year needs assessment)

This program shall include all projects required to bring facilities up to standard. A project can be identified by the District Engineer, Division Head, Capital Facilities Manager, Deputy or the Director. Such projects may be the result of facilities not meeting the accepted standards or such other criteria as may be established. A one or two sentence description of what is desired shall be submitted. The request will be forwarded to the Capital Facilities Manager. Before being placed in the long range program the project will be approved by the Capital Facilities Planning Committee. After a signed approval is received, the proposed project will be added to the long-range program. A copy of the approval will be forwarded to the submitter.

B. Intermediate

Project proposals are to be submitted on a “Six-Year Program Facility Request Statement” by February 1 of even-numbered years. An on-site inspection of the facility will be conducted if such an inspection has not been conducted within the past three years; the proposal will be tested against the “Capital Facilities Yard Criteria”; a determination will be made by the Capital Facilities Planning Committee.

C. Budget Procedure

1. When the project approaches the two-year legislative funding period, a final review of needs shall be made by the District Engineer, Capital Facilities Planning Committee and the Director. This review shall determine the final scope of the project.
2. Final cost estimate adjustments shall be made by Capital Facilities to reflect any changes in the scope of the project and shall adjust the cost estimate for inflation occurring since the six-year estimate was made. A factor for possible inflation over the next two years shall also be included.
3. Before February 1 of every odd numbered year, the Capital Facilities Manager will send out to all districts a preliminary listing of all proposed improvements, modifications or additions to the Department of Transportation capital facilities. At that time, the districts will be asked to commit on these proposals.
4. No later than June 30, of each odd numbered year, the District Engineers will meet with the Capital Facilities Planning Committee to review functional plans for new capital facilities projects or major improvements to existing facilities.
5. The combined results of these meetings will be a preliminary listing of all major facility improvements, additions and new construction for which funding will be requested from the legislature; a preliminary draft of modifications to standardized plans, and statements noting the reasons for departures from the approved six year capital facilities program. Agreement by the Capital Facilities Planning Committee will constitute authorization for the development of preliminary plans.
6. Preliminary plans and cost estimates consistent with the approved project description shall be developed. Cost estimates shall include all costs consistent with the project definition and the requirements needed to comply with the Department of Administrative Services program statement requirements contained in R.R.S. 81-1108.41 and any such other stated requirements. (See appendices Glossary of Terms and Statutes)

7. Throughout the development stages communication with the District Engineers will be maintained regarding any questions and or concerns that the districts have about the design or modifications proposed.
8. The plans for new construction projects, additions and major modifications and the accompanying cost estimates need to be completed no later than June 1 of every even numbered year. The combined projects and estimates will constitute the complete Department of Transportation proposed building improvements for the biennium beginning July 1 of the following calendar year.
9. A program statement will be made, reviewed, and approved by the Capital Facilities Planning Committee before being included in the legislative budget request.
10. The budget format shall be prescribed by the Department of Administrative Services, Budget Division. It shall also be in such a format that meets the needs identified by the Controller Division.
11. Changes may be made to the preliminary plans or estimates. Valid reasons for changes to the approved projects shall be funding limitations, significant cost increases not originally known or major construction or design errors discovered during the completion of the preliminary plans.
12. Any approved changes that occur between July 1 and August 15 prior to budget submission will be incorporated into the budget request. Changes occurring after that date will not be included in the budget request. After the budget submission on September 15 of every even numbered year, the division or district in which the project is located will be notified. The Controller Division and the Department of Administrative Services, Budget and Building Divisions will be notified of any changes, and their total fiscal impact and impact by fiscal year. Also, included shall be a statement of the reasons(s) for such changes.
13. After the Legislature reviews and approves the proposed Capital Facilities' budget, the Department of Transportation' preconstruction process will finalize plans. The finalized plans will be submitted to DAS-State Building Division for approval. This submittal for approval should include:
 - a. One set of the bid plans and specifications at 90%-100% completion.
 - b. Funding (LB number and section, year & session, agency & program numbers and amount)
 - c. Project description, including location (DAS county number).
 - d. The professional consultant's written estimate of total construction costs.
 - e. Project budget (current).
 - f. Project schedule (current).

Subsequent approval of the "preliminary plans" is issued by the SBD Deputy Administrator. (See appendix for "Budget Cycle Timeline")

D. Bidding Procedure

1. Bidding will be conducted as per current established Department of Transportation' processes.
2. Review and approval of the construction contract by DAS-State Building Division is required for all capital construction projects in excess of \$640,000. A request for approval will be submitted to the State Building Division. This request will include the following:
 - a. A copy of the contract (unsigned by the agency).
 - b. Funding (LB number & section, year & session, agency & program numbers and amount).
 - c. Project description, including location (DAS county number).

- d. The bid calculation sheet.
- e. Agency Director (or Deputy) approval of the contract/recommended award of bid.
- f. Approval of the contract(s) by legal counsel or the Attorney General.
- g. Professional consultant's recommendation on award of bid.
- h. Project budget (current).
- i. Project schedule (current).

Subsequent approval of the contract is issued by the State Building Division Deputy Administrator.

E. Architectural / Engineering Design Process for Capital Facilities Projects

1. Pre-design process (Scoping):

Each odd calendar year, Capital Facilities is responsible for coordinating with NDOT District representatives to develop a Capital Construction Program for the coming biennium. During odd calendar year meeting the current biennium program progress is reviewed and preplanning for the upcoming biennium is established. Typically, in February of each year scoping meetings are held with the District Engineer and the District Operations and Maintenance Manager of each district to discuss their 2 and 6 year priorities and the 20 year needs for capital construction of facilities and yards in their district. Based on the discussion and direction of the scoping meetings, each district identifies their priority projects for the coming two year cycle. The Capital Facilities Planning Committee then meets to prioritize the requests of the districts and the final program is presented to the NDOT Director. Based upon the comments and recommendations of the administration, the program is revised, published, and the districts are notified.

- a. Request Information from Districts prior to February
 - i. 20-year needs list
 - ii. DR 385 form
 - iii. Site surveys or layouts
- b. Scoping meetings with Districts held no later than June 30 of each odd calendar year.
 - i. Odd years to discuss requests for the next 2 year and 6 year priorities
 - ii. Odd years to discuss progress of current program, start thinking about next program
 - iii. Receive information requested (20-year needs list, DR 385 forms, additional info)
 - iv. Discuss scope of project request and information received
- c. Capital Facilities Planning Committee (CFPC)
 - i. Prioritizes project requests from Districts
 - ii. Creates 2 year and 6 year program from these requests
 - iii. Program is presented to the Director for consideration
 - iv. Revision of program based on Director's direction
 - v. NDOT Capital Construction Program reviewed by Director
- d. Begin Consultant Selections for proposed 2 year Program (based on estimated total project costs)
 - i. Cost estimated below \$1.3 million:
 - 1. Agency selection based on pre-approved list from DAS/SBD
 - 2. Move to Initial Scoping Process
 - ii. Cost estimated above \$1.3 million:
 - 1. Begin RFP Consultant Selection Process
 - 2. Time-frame of 4 months to select consultants
 - 3. Consultant Selected- move to Phase I

2. Preliminary Project Evaluation and Program Statement Development (Phase I):

Design consultant assignments are based on the complexity of the project and the preliminary opinion of probable construction cost. Upon project assignment and Consultant agreement execution, Capital Facilities coordinates and facilitates an initial scoping meeting with the districts and the selected design consultants. The project team (Capital Facilities and District) reviews the consultant's schematic design of the facility and preliminary cost

estimate. The project team reviews/revises/approves the preliminary design and the consultant and Capital Facilities work together to complete the Needs Statement (due to NDOT Controller Division by June 1). The final needs statement is then submitted to the Governor as part of the Statewide Capital Construction Program. Following the Governor's review/modifications to the program, the Statewide Capital Construction Program is submitted to the Legislature for appropriation through the Capital Construction bill. No work is completed on the projects until July 1 of an odd calendar year when the appropriation legislation is approved. Upon completion of approvals and programs the construction documentation phase begins.

- a. Initial Scoping meeting
 - i. Selected consultant, capital facilities, and District representatives in attendance
 - ii. Review of district provided documents, review of site location, discussion of how facility is to be used, what equipment is required or will be relocated or provided with project, any work to be performed by district vs. contractor, any special considerations of site location or project in general
- b. Negotiation of consultant agreement
 - i. Consultant provides to NDOT scope of services and proposal
 - ii. Hours breakdown based on 3-phase task list
 - iii. Narrative of project scope and timeline
 - iv. Fees (typically based on industry standard of 9%-12% of estimated project construction costs)
- c. Additional meetings
 - i. Consultant coordinated with representatives of Capital Facilities and District to develop schematic design
 - ii. Discussion of proposed schematic concepts to reach final schematic
 - iii. Discussion of cost estimates
 - iv. Design schematic review approved by Capital Facilities and District
- d. Prepare for submittal to Legislature
 - i. Consultant and capital facilities draft needs statement
 - ii. Needs statement due to Controller by June 1 for Budget Call process and Statewide Comprehensive Capital Facilities Plan
 - iii. Consultant prepares Program Statement for submission to DAS/SBD
 1. Based on outline
 2. Includes schematic drawing and cost estimate
 3. Approval by DAS/SBD and Governor required before proceeding with Design Documents

End of Phase I – Hold until Capital Construction Bill is approved by Legislature

Time frame: 1 year

3. Construction Documentation and Bidding (Phase II):

With appropriation set, Capital Facilities reviews the program and makes any revisions due to program/funding modifications. Design consultants are then advised if and when the project will move forward and preliminary schedules for construction are set. Cost estimates are revised and work begins to develop the construction documents that will be used for bidding and construction. The consultant will prepare preliminary plan sets for the review of the project team. After all reviews are completed, the design consultant makes final revisions to the plans and bid documents.

Dependent upon the project scope and construction schedule, bidding shall be accomplished through a partnership between the design consultant, P,S & E and Capital Facilities. With consultant managed bidding, the design consultant is responsible for plan distribution, bid question responses and documentation. Capital facilitates, in cooperation with the Procurement Unit is responsible for advertisements and legal notices as well as coordinating

bid opening location and compliance with legal bidding rules. Upon completion of the bidding phase, the project moves to the construction phase.

- a. CFPC startup of phase II
 - i. Review of approved Capital Construction Bill
 - ii. Revision of program based on legislative appropriation
 - iii. Revisions to Program shall be approved by NDOT Director
 - iv. Notify districts of any changes to program
- b. Consultant start-up of phase II
 - i. Review of previous schematic design
 - ii. Review of previous cost estimate
 - iii. Schedule meeting with District to review and discuss timeline to bidding and construction
- c. Design Document reviews by Capital Facilities and District at
 - i. 30% completion
 - ii. 60% completion
 - iii. 90% completion
- d. Additional reviews at 90% completion required by:
 - i. NDOT Environmental Section
 - ii. Nebraska State Fire Marshall
 - iii. DAS/SBD (Allow 30 days – approval required before proceeding to 100%)
 - iv. Energy Office
 - v. State Electrical Division
 - vi. ADA Consultant Review
 - vii. Contract Document review by NDOT Attorney General's Office
- e. Design Completion-Final Package
 - i. Incorporate all comments and changes from various reviews from entities listed in paragraph D 1 through 5
 - ii. Final meeting with District representatives to finalize Construction Drawings
 - iii. Final estimate of probable cost completed
 - iv. Consultant submits to Capital Facilities Construction Documents 100% complete

End of Phase II – Construction Documentation and Bidding

4. Construction Administration and Project Close-out (Phase III):
Capital Facilities works directly with the consultant and district representative to assure that the project is constructed in compliance with the construction documents. The consultant maintains a significant role throughout the course of the project, providing oversight which includes evaluation of change orders, contractor invoices, supplemental instructions and contract interpretation. To effectively manage the projects, expectations, and relationships numerous site visits and progress meetings are held with all of the stakeholders including district, Capital Facilities, the design consultant, the contractor and pertinent subcontractors.

Capital Facilities shall be responsible to ensure the following tasks are handled by the appropriate group or division.

- a. Bidding Phase
 - i. Documents submitted to third-party bid documents publishing clearinghouse.
 - ii. Current process and responsibilities of each section of the Department has been defined in supplemental documents following this outline
 - iii. Bidding is completed and contract awarded, if applicable
- b. Pre-construction period
 - i. Coordinate Pre-construction meeting
 - ii. Establish communication chain
 - iii. Contractor items required before notice to proceed
 1. Borrow Pit Evaluation form

2. Contact List
3. List of Subcontractors/Suppliers
4. Preliminary Schedule
5. Schedule of Values
- iv. Notice to Proceed issued by Capital Facilities
- v. Project activated in Sitemanager
- c. Construction period starts
 - i. Coordination of monthly (or bimonthly) progress meetings
 - ii. Processing of daily reports in Sitemanager
 - iii. Review of shop drawings and submittals
 - iv. Review and response to RFI's
 - v. Monthly progress estimates in Sitemanager
 - vi. Inspections and progress meetings
 - vii. Material records
 - viii. Pre-final and final inspections
 - ix. Substantial Completion of work
- d. Close-out period
 - i. Punchlist items completed
 - ii. Operations and Maintenance Manual submittals and reviews
 - iii. As-built drawings
 - iv. Project acceptance letter sent
 - v. Warranty period started: duration one-year from Substantial Completion
 - vi. 11-th month warranty inspection

End of Phase III – Project Closed

5. Bidding Procedures Roles and Responsibilities

- a. Capital Facilities (CF)
 - i. Determine bid date, time and location in conjunction with PU
 - ii. Submit advertisements to county papers per Statute 39-13 and 81-161.01 and area large newspapers
 - iii. Submit information for posting on the NDOT website
 - iv. Notify known potential bidders of upcoming bid date
 - v. With consultant, coordinate pre-bid walkthrough (when applicable)
 - vi. Coordinate with consultant regarding questions from potential bidders
 - vii. Submit to consultant items to be included in addenda
 - viii. Attend bid opening
 - ix. Submit bid results for posting on the web
 - x. Evaluate bids received with consultant and PU
 - xi. Utilize AGC document 221 for Contractor Qualification Statement (when applicable)
 - xii. Submit to DAS/SBD letter of recommendation for bid award from consultant
 - xiii. Receives approval from DAS/SBD to proceed with contract
- b. Procurement Unit (PU)
 - i. Establishes bid date in conjunction with CF
 - ii. Receives bids from bidders
 - iii. Publicly opens bids and prepares bid tabulation sheet (signed by PU, CF, and consultant)
 - iv. Holds bid bonds of bidders until contract execution
 - v. Receives and reviews/verifies required bonds and insurance from Contractor
 - vi. Executes Construction Contract
- c. Consultant role
 - i. Submits complete plan sets to publishing clearinghouse
 - ii. Assists in evaluating bidder qualifications
 - iii. Answers questions/clarifications from potential bidders

- iv. Provides CF with a listing of questions received from bidders at end of each business day
- v. Prepares, coordinates and submits to PC any addenda to be issued (no later than 3 days prior to bid opening)
- vi. Coordinates with CF for pre-bid meeting (if required)
- vii. Attends bid opening
- viii. Assists with bid evaluations
- ix. Submits letter of recommendation for contract award to CF
- d. Publishing clearinghouse role (PC)
 - i. Advertise through their service to potential bidders
 - ii. Posts documents on web
 - iii. Maintains plan holders list
 - iv. Distributes any submitted addenda from consultant
 - v. Construction Documents bid sets distribution

End of Chapter 3

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Chapter 4 "I" Program – Repair and Maintenance

- A. "I" program shall include all projects, estimated to cost between \$15,000 and \$640,000 that are warranted or required to bring a facility up to standards. Facilities repair and/or maintenance projects shall be performed by the District or Facility Maintenance Section within the District or Operations operating budgets.
- B. A project may be identified by the District Engineer, Division Head, Capital Facilities Manager, Deputy or the Director. Such projects can be the result of facilities not meeting the accepted standards or such other criteria as may be established.
- C. Formal construction documents shall be prepared for distribution to all bidders who indicate an interest in bidding. The scope and detail of the project shall be adequate such that competitive bids will be received. Construction documents may be prepared under the direct supervision of a professional architect or engineer, depending upon project scope.
- D. For further detailed information, refer to Nebraska Department of Transportation Operating Instruction 80-07, attached as an Appendix.

End of Chapter 4

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Chapter 5 Facility Criteria**A. Yard**

The following items are criteria of a general nature and shall apply to any yard facility that is designed as vital to the operation of the various functions of the Nebraska Department of Transportation and is designated as a facility that will continue in operation for the future.

1. All numbered maintenance yards shall be securely fenced for protection of outdoor materials and equipment, with the exceptions of Central Complex, District Headquarters, Unimproved Yards, Scale Sites, and Rest Areas. Fencing shall be based on the approved NDOT Standard Plans.
2. The circulation and operating areas of all yards shall be surfaced with an all-weather (i.e. millings, asphaltic concrete, concrete, crushed rock, etc.) surface for cleanliness and ease of maintenance, the balance of the yard shall be seeded.
3. Where economically feasible, existing facilities may be purchased in lieu of building a new facility.
4. All staffed yards should have a potable water source adequate to provide for the size of the operation. Whenever possibly city water and sewer services should be a consideration.
5. All numbered maintenance yards shall have an adequate electrical service, in compliance with current codes. All District Headquarters and Superintendent Facilities should have an emergency power source, load shedding may be considered.
6. Fueling stations should be considered for all Staffed yards. Considerations should include emergency response, location of surrounding commercial facilities, capacity of tank, number of fuel pumps, types of fuel, etc. Refer to the Equipment Manual for Fuel Station guidelines.
7. Guidelines for yard sizes are:
 - a. Storage and (Reload Stations)
1 to 5 acres, depending on needs.
 - b. Staffed Yards (Crew Yards)
5- 10 minimum acres
 - c. Supervisor and Superintendent Yards
10 - 15 acres, possibly smaller depending on crew size.
 - d. Construction Offices plus Superintendent Yards
Larger than 10 acres, depending on crew size. Recommended 12-15 acres.
 - e. Larger yards should be considered when consolidation and inclusion of other state agencies occur.
8. Ideal sites would be zoned appropriately, located on or near the highways maintained, and on city or municipal utility services (water, sanitary sewer, electrical, etc.).
9. Parking outside the security fence should be provided for employee's vehicles, visitors, and ADA required parking. Parking area size shall be based on full time employees, temporary employees, and adequate visitors.
10. Yard size, site design, and grading should include consideration for potential environmental issues, including storm water detention.
11. Site design and sizing should include landscaping screening/buffers when necessary.

B. Standard Plan Types

1. District Headquarters
2. Superintendent

3. Supervisor
4. Crew Chief
5. Construction
6. Lab

C. Building

NDOT space allocations were developed to determine the amount of space needed to accommodate workstations and offices. Allocations for meeting rooms, food service (pantries / crew rooms), and workrooms were also developed and applied.

Space allocations reflect NDOT's desire to reduce the amount of personal storage in workspaces. Implementing new uniform standards for personal and centralized storage is necessary in order to right-size workstations and private offices across the agency. In addition, work areas should be reserved for personal and collaborative work. Food storage, appliances, and miscellaneous files should be housed in other dedicated spaces in order to regain floor area and reduce traffic and distractions in work zones.

These space allocations reflect a workplace that has changed dramatically since the existing buildings were constructed. Technology has brought about physical changes to furnishings and equipment, and therefore to the spatial requirements. The need for power and data extends into every workspace. Technology has also affected work processes, storage requirements, and the need for good ergonomic work tools to support a healthy workplace. While we must account for all of these issues when planning, it must be recognized that technology will continue to change.

Space allocations reflect NDOT's new records management practices which are projected to decrease the need for files storage by as much as 50%. The new practices include the use of digital storage of engineering drawings and centralized storage to reduce the amount of file storage needs within each Division / District. This trend will allow Divisions / Districts to better utilize space intended for circulation that is currently being used for files, plan sets, and archival materials.

In addition to utilizing space allocations for programmed spaces, an internal circulation factor is applied to each Division / District. Internal circulation is the space required to circulate between programmed spaces. This includes internal corridors, pathways, open storage areas (for files, supplies, plans), equipment areas (copiers, work counters) and collaboration areas (informal conference) found within a Division / District.

1. District Space Allocation should comply with the following:

a. Maintenance Locations:

Superintendents = Maximum 200 sq. ft. office space per person

Supervisors and District Mechanic's Office = Maximum 150 sq. ft. office space per person

Mechanic's Office = Maximum of 100 sq. ft. plus an additional 35 sq. ft. per Mechanic

Parts Storage = Base of 100 sq. ft., plus an additional 50 sq. ft. per additional mechanic for two or more mechanics (Every maintenance location will have a Parts Storage room)

Maintenance Staff Crew Room = Base of 300 sq. ft. plus Maximum 35 sq. ft. per person. Crew rooms include space for crew chief, maintenance staff, counters, appliances, lockers, and computers. Secured Storage for PPE items.

b. Construction Office Locations:

Engineer III and Project Managers = Maximum 200 sq. ft. office space for each position

Tech IV Supervisor = Maximum 150 sq. ft. office space for each position

Engineer I and II, Construction Tech's, and Construction Staff = Maximum 100 sq. ft. space for each position

Construction Laboratory = Minimum 200 sq. ft., includes secured storage for all engineering equipment, sign storage, and laboratory at each location.

- c. District Headquarter Locations:
 - District Engineer** = Maximum 250 sq. ft. office space
 - District Construction Engineer** = Maximum 200 sq. ft. office space
 - Assistant District Construction Engineer** = Maximum 200 sq. ft. office space
 - District Operations Maintenance Manager** = Maximum of 200 sq. ft. office space
 - Electronics Section** = Base of 250 sq. ft. plus Maximum of 100 sq. ft. for each position
 - IT Support and IT Work Room with Secured Storage** = Base of 250 sq. ft. plus Maximum of 100 sq. ft. for each position
 - Final Reviewer** = Maximum 150 sq. ft. office space for each position
 - ROW Permit Officer** = Maximum of 150 sq. ft. office space
 - d. Additional Spaces
 - Conference Room** = District Office 725 sq. ft., Locations with two or more Project Managers 420 sq. ft. Provide additional space for table / chair storage, sink, and case work.
 - Clerical Staff** = Maximum 64 sq. ft. per person (Space Allocation is for Clerical Staff immediate office layout only)
 - IT Data Room** = Maximum 64 sq. ft., located on exterior wall if possible
 - Mechanical Room** = Sized per facility requirements, located on exterior wall if possible
 - Electrical Room** = Separate room at large facilities, included in mechanical space at 10 person or less facilities, located on exterior wall if possible
 - Janitorial Room** = Minimum 64 sq. ft., sized larger if required, includes mop sink, open shelving storage intended to store cleaning products and building operation supplies (paper towels, soap, etc.)
 - e. Adjacencies
 - IT Support Offices and storage located close to an exit.
 - Construction Laboratory and Storage with garage door access
2. Insulated heated storage bays shall be provided for the following, 20' x 54' inside clear, for each bay:
 - a. Truck Mounted Rotary Snow Plow
 - b. Snow Plow Truck with assigned snow route
 - c. 1 Full Size Loader per Yard (1 ½ Yard Bucket Size and Greater)
 - d. Striper Truck
 - e. Exceptions to these criteria shall be approved by the Deputy Director - Operations.
 3. Insulated heated bays shall be provided for mechanics' workspace, 30' x 54' inside clear, for each bay per full-time permanent mechanic assigned at the location.
 4. Wash Bay (Included in Equipment Storage Bay Allocation)
 - a. 30' wide x 54' inside clear (not including equipment room).
 5. Building Construction Standards:
 - a. Exterior Shell: Metal hybrid with concrete stem wall.
 - b. Gable standard metal building roof.
 - c. Sectional Overhead Doors, 16' x 16' doors w/ 3 12"x 36" windows each.
 - d. Bollards at each jamb of overhead doors.
 - e. Mechanic, Equipment Storage, and Wash Bay interior concrete slabs shall be six-inch thick reinforced concrete on appropriate base. Joints and the surface of concrete slabs shall be epoxy sealed.
 - f. Exterior Concrete Aprons shall be six-inch thick reinforced concrete.
 - g. Interior slabs in office areas shall be a minimum of four-inch thick reinforced concrete.

6. Fabric covered salt storage facilities should be placed in each maintenance yard. Each District shall have adequate covered salt storage facilities to store an average winter's needs.
 7. Appropriate central storage shall be provided for hazardous materials.
 8. Restroom facilities shall be code compliant for the size of the crews located at the facility. All facilities shall include separate restrooms for men and women. Men's restrooms shall include a minimum of one urinal and one lavatory.
 9. All facilities shall include a minimum of one hi-low code compliant water cooler, with filtration and bottle filler.
 10. Where feasible, construction and highway maintenance personnel shall be placed together in the same facility.
 11. Where feasible, miscellaneous storage shall be consolidated in a single building.
- D. Central Complex and Hill Campus
Space requirements for personnel in areas other than the Districts will be provided based on a space needs study and standards resulting from the study. Adequate space for utilities will be provided to accommodate the functions performed.

NDOT Central Complex and Hill Campus Space Allocations

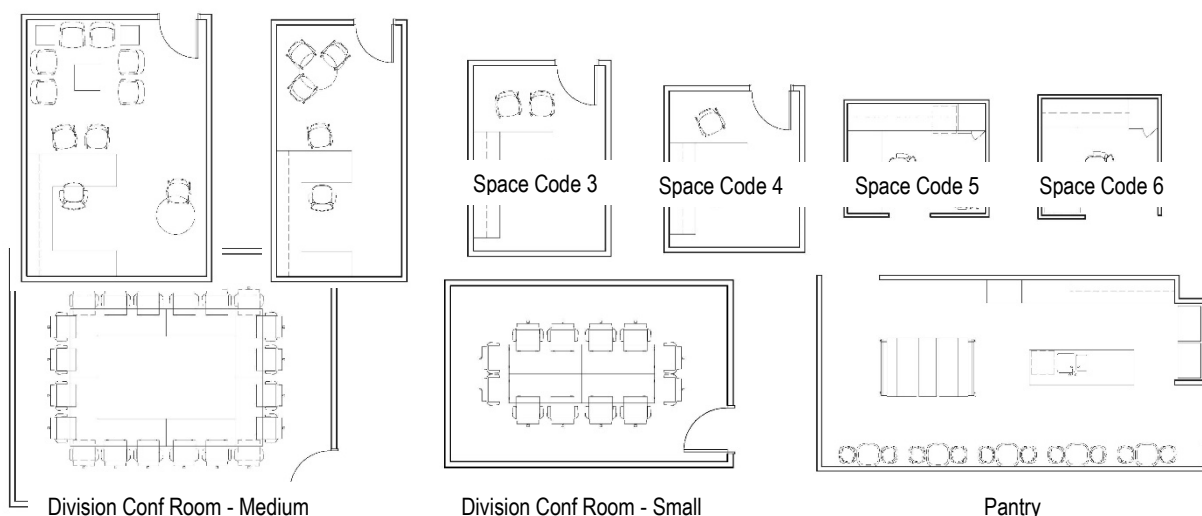
Workspace Allocations			
Space Code	Net Square Feet	Staff Title Examples	Notes
1	280	Directors, Deputy Directors	Private
2	200	Division Heads, Section Heads	Private
3	140	Unit Heads, Managers, Attorneys, Engineer IV, Engineer V	Generally Private
4	120	Supervisors, Coordinators, Instructors, Engineer III, Administrators, IT Support Analysts	Generally Semi-Private
5	80	Analysts, Specialists, Auditors, Accountants, Appraisers, Agents, Designers, Surveyors, Engineers I & II, Law Clerks, Consultants, Developers, Estimators, Consultants	Semi-Private
6	65	Staff Assist., Admin Support, Clerks, Student Interns, Maintenance	Semi-Private

Meeting Room Allocations			
# People	Net Square Feet	Room	Notes
8 to 12	230	Division Conference Rooms - Small (8-12)	1 per Div. or 1 per 25 staff
16 to 20	420	Division Conference Rooms - Medium (16-20)	1 per large division or 2 per floor
12 to 20	410	Shared Department Meeting Rooms (small)	2 in conf. center
24 to 30	725	Shared Department Meeting Rooms (large)	2 in conf. center
200 lecture style	1800	Sub-dividable Multipurpose Room	1 in conf. center

Food Service Allocations			
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Serving	Net Square Feet	Room	Notes
60 staff	525	Pantry with sink, counter, cabinets, frig, microwaves, etc.	2 per floor
	525	Pantry to serve meeting rooms	1 in conf. center

Workroom/File Room Allocations			
	Net Square Feet	Room	Notes
	750	Unassigned Workroom/File Room	1-2 per floor
	140	IT Workroom (lockable)	1 per Div. w/ IT staff



E. Specialty Facilities

Quality Assurance Testing Laboratory, District Operation Center’s, rest areas, and weigh stations, space requirements for personnel will be provided based on a space needs study and standards resulting from the study. Adequate space for utilities will be provided to accommodate the functions performed.

F. Facilities constructed by NDOT will be supplied with a standard sized refrigerator and microwave in the breakroom area only at the time of completion of the project. The initial purchase of these items will be funded from the facility construction funds (K funding), once the items have exhausted their life the replacement cost will be funded by the district.

G. All existing refrigerators and microwave that are in a designated breakroom will be replaced when they are no longer functional. The funding source for these items will come from the respective District. The units located in designated breakrooms at the Central Complex and The Hill will be replaced when they have exhausted their life will be funded by the Operations Division.

**Only the replacement or original purchase of refrigerators and microwave in designated breakrooms will be purchased with state funds.

End of Chapter 5

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Chapter 6 Facility Numbering System**A. System Management**

The facility numbering system is maintained and managed by Capital Facilities.

B. History and Background

Initially all yards were numbered starting with the headquarters location, then alphabetically for all existing yards at the time. Eventually, overtime, alpha logic was lost and the next available number was used starting with X0200 through X4900. X5000, X6000, and X8000 cannot be used as they are reserved for weigh stations, rest areas, and tower sites.

C. Number Sequence

XXXXX

1. 1st Digit = Indicates District (0, 1-8)
2. 2nd Digit = Yard or Site Type
Special Types: 5 = Weigh Station (Scale Building)
6 = Rest Area
7 = Temporary Fabric Structures (currently not used)
8 = Tower Sites
3. 3rd Digit = Yard Number
4. 4th & 5th Digit = Building Number
5. All Yards end in 00 (XXX00)
6. When an "X" is placed in the 2nd Digit place holder, this indicates that the yard or building is leased from an outside entity.

D. NIS Numbering

1. Agency Number + Building Type + Building or Yard Number
Example: 27B10101 (NDOT is agency 27)
2. Building Types: B = Building
H = Weigh Station or Rest Area
T = Tower
M = Miscellaneous

Note: Will possibly add "F" for Fabric on Building Types. Capital Facilities will need to meet with AS-SBD to determine if possible.

End of Chapter 6

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Chapter 7 Site Classification Codes (Facility Types)

- A. The following is a key and definitions used for classifying sites in the Capital Facilities inventory. The information will be stored in CFAMS for each site. This key is also used for the state mapping of NDOT yards and sites.
1. **District Headquarters** – Purple
Every district has a headquarters or a main office, for district administrative procedures. Superintendents and Supervisors may also be at the location.
 2. **Superintendent Yards** – Blue
Yards that have a Superintendent at the location. Supervisors may also be at the location.
 3. **Supervisor Yards** – Red
Yards that have a Supervisor at the location.
 4. **Manned (No Supervisor)** - Green
Yards that have employees working from the location, but a Supervisor is not staffed at the location.
 5. **Storage** - Orange
Yards that are used for storage only. Buildings may be present, but primary use is storage. Yard must be fenced with NDOT standard chain link design.
 6. **Unimproved** – Teal
Yard which has been assigned a number but remains unimproved; no fencing or buildings, typically only used when design occurs for new yards.
 7. **Leased** - Black
Yards that are leased to or from other entities.
 8. **Rest Area** – Red Half Circle
Wayside area that has restroom building(s), visitor information, and open areas for public use.
 9. **Truck Parking Only Rest Area** – Red Rectangle
Wayside area that is used for truck parking, buildings are not present at the rest area.
 10. **Permanent Weigh Stations (Scale Site)** – Orange Circle
A wayside area that has a permanent building used for weighing heavier vehicles. Primarily used by the Nebraska State Patrol. Scale Sites may still be classified as a Scale Site even if buildings are not present. Only Scale Sites with existing buildings are included on the state map.
 11. **Miscellaneous** – Not Mapped
Wayside areas that do not have buildings but are included in the Capital Facilities inventory. Lincoln Central Complex and The Hill are also considered Miscellaneous.

End of Chapter 7

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Chapter 8 Miscellaneous Storage Buildings

Many functions performed by the Department require that storage areas be provided. It is the intent that adequate storage will be provided at all Department facilities in order to safeguard the materials and equipment which require protection from outside elements if they are to remain fully functional and available when needed. Size requirements of storage varies greatly from location to location, in order to provide the required storage facilities, specific space studies will be performed for each location based on the criteria contained herein.

A. Definition of Miscellaneous Storage Buildings

Miscellaneous Storage Buildings shall be defined as a pre-engineered metal building constructed on footings and concrete floor.

B. Utilization/Placement

1. Inside storage should be provided for various items including, but not limited to, paint beads, paint, chemicals/pesticides, seed, cement, signs, construction stakes, construction supplies, etc.
2. Existing Yards without adequate storage facilities.
3. New constructed yards shall include a Miscellaneous Storage Building as a part of the project when requested.
4. Other utilization/placement shall be addressed individually and with the review and approval of the Deputy Director Operations and the Capital Facilities Planning Committee.

C. Standard Size 30'x50' for all yards

D. Construction

Typical structures shall include:

1. Pole Structure Building.
2. 12'-0" sidewall height, 3/12 gable roof, gutters & downspouts, wood columns
3. 6" thick reinforced 1P concrete.
4. One personnel door, no window, in-swing, no structural stoop.
5. One 10'x10' Overhead door, insulated, with windows, manual operation.
6. Two windows.
7. No Electrical.
8. No heating.
9. No plumbing.
10. No floor drains.

E. Review Process

1. Complete form "Capital Facilities Fabric Structure or Miscellaneous Storage Building Request," DR104, including aerial map with preferred structure location indicated to Operations Division – Capital Facilities for review and approval routing.
2. Justification and Storage Building location plan, request for development, and construction shall be made in writing to the Operations Division – Capital Facilities for review and forwarding Capital Facilities Planning Committee.
3. Complete Miscellaneous Storage Building requests shall be reviewed for accuracy and completeness by Operations Division – Capital Facilities then forwarded to the Capital Facilities Planning Committee for review.
4. Operations Division – Capital Facilities will review plans and costs with the District and will adjust the size of the structure to insure the total cost will not exceed the \$100,000 threshold

per Statute 39-1355 for total expenditures. Total shall mean all costs as outlined, but not including site improvements and department equipment and/or labor.

F. Funding

1. Funding for Miscellaneous Storage Buildings will be reviewed, selected, and awarded through the Capital Facilities Planning Committee, and funding provided through the L-AFE system.
2. An L-AFE shall be created by Capital Facilities to capture the costs of the building which shall not exceed \$100,000.
3. The District shall be responsible for the following costs: site work prep to have a “pad ready site”, NDOT labor, equipment usage and Fire Marshall plan review. These are to be coded to the District OE, activity 4452 with the yard number and no AFE.
4. The building construction costs are to be coded to OE 904, activity 4458 with the building number and “L” AFE.
5. Procurement shall be as required by NDOT DOR-I 80-7 and/or Administrative Services – Agency Procurement Manual for Commodities/Goods.
6. Purchase specifications and/or construction documents shall be developed and reviewed by NDOT Operations Division – Capital Facilities.

End of Chapter 8

Chapter 9 Fabric Storage Structures

Requests, utilization, placement, installation, procurement, and payment of Fabric Structures shall be as detailed herein.

A. Definition of Fabric Structure

Fabric Structure shall be defined as any structure with a steel frame and polymer membrane cover placed upon a milling, asphaltic paving, or concrete paving with supported and/or anchored by pre-cast concrete blocks, prefabricated concrete wall panels, helical piles, or installed on existing bunkers.

B. Utilization/Placement

1. Existing Yards without permanent salt storage structure(s) or inadequate salt storage capacity, for winter materials storage only.
2. Reload site, no permanent structures, fabric structures may be used for both salt storage and loader storage.
3. New constructed yards shall include fabric salt storage structures as a part of the project when requested.
4. Other utilization/placement shall be addressed individually and with the review and approval of the Deputy Director Operations, Operations Division Manager and Capital Facilities.

C. Construction

1. Typical structures shall include:
 - a. Minimum of one 18' x 18' fabric gather door
 - b. One personnel door (non-illuminated exit sign above door)
 - c. Typically venting at end panels opposite the gather door
 - d. Fully welded and post-fabrication hot-dipped galvanizing
 - e. Stainless steel cables and hardware are encouraged in corrosive environments
 - f. Panelized fabric cover with Conestoga-type flap or single fabric cover – structure size dependent
2. Paving Requirements:
 - a. 4'-0" wide by 1'-0" deep poured concrete leveling pad perimeter for accurate placement of prefabricated concrete panels.
 - b. 6" thick reinforced concrete or 8" unreinforced concrete site pad interior of concrete leveling pad perimeter
 - c. Concrete paving should have a post-cure finish with an approved concrete sealer to prevent salt penetration. (linseed oil typically)
3. Mounting Options:
 - a. 5' tall prefabricated concrete panels.

D. Review Process

1. Complete form "Capital Facilities Fabric Structure or Miscellaneous Storage Building Request," DR104, including aerial map with preferred structure location indicated to Operations Division – Capital Facilities for review and approval routing.
2. Request shall include fully executed DR Form 80, Salt Storage Building Cost Estimate Calculations and structure procurement and installation estimate/proposal from the state-wide fabric structure veNDOT.
3. When utilizing District funds, justification and structure placement plan, request for development and construction shall be made in writing to the Operations Division – Capital

- Facilities for review and forwarding Operations Division Manager then to the Deputy Director – Operations.
4. When utilizing Administrative or K – Program funds, complete Fabric Structure requests shall be reviewed for accuracy and completeness by Operations Division – Capital Facilities then forwarded to the Capital Facilities Planning Committee for review/approval, then to the Operations Division Manager for final review and/or approval.
 5. Operations Division – Capital Facilities will review plans and costs with the District and will adjust the size of the structure to insure the total cost will not exceed the \$100,000 threshold per Statute 39-1355 for total expenditures. Total shall mean all costs as outlined on DR Form 80, Salt Storage Building Cost Estimate Calculations, but not including site improvements and department equipment and/or labor.
- E. Funding
1. An L-AFE shall be created by the District to capture the costs of the veNDOT Contract items for the fabric structure and veNDOT provided accessories and shall not exceed \$100,000.
 2. The District shall be responsible for the following costs: precast blocks or wall panels, site work, site lighting, concrete, asphalt, NDOT labor, equipment usage and Fire Marshall plan review. These are to be coded to the District OE, activity 4452 with the yard number and no AFE.
 3. The building construction costs are to be coded to OE 904, activity 4458 with the building number and “L” AFE.
 4. Procurement shall be as required by NDOT purchasing rules for commodities and/or Administrative Services – Agency Procurement Manual for Commodities/Goods.
 5. Purchasing of veNDOT contract items shall be performed by NDOT Operations Division – Procurement Unit.
 6. Purchase specifications shall be developed and reviewed by NDOT Operations Division – Capital Facilities.

End of Chapter 9

Chapter 10 Land Acquisition and Disposition

The purpose of this chapter is to provide guidance on the process for acquisition of new property and disposition of an existing facility. The procedures outlined apply to all Districts.

A. Acquisition

1. Refer to DR Form 95. The purpose of DR Form 95 is intended to ensure consistency when making a Capital Facilities Land Acquisition. Capital Facilities Land Acquisitions shall include, but are not limited to: all yard site classifications, expansions, and storage sites.
2. The facility numbering system is maintained and managed by Capital Facilities. An appropriate yard and/or building number will be assigned to new facilities.
3. Districts are encouraged to purchase land as soon as possible after a future site is planned or identified. The property will be capitalized upon completion of the purchase.

B. Disposition

1. Capital Facilities determines first if a facility (building) is no longer needed by the Department. This decision will be made in conjunction with the appropriate District office if it is a District facility. Capital Facilities and the District office will decide if the facility has utility for the Department. If yes, the facility will be moved to its new location.
2. If Capital Facilities and the appropriate District (if applicable) determine that the facility does not have utility for the Department, then Capital Facilities and the appropriate District office (if applicable) will determine if the facility has any value at all. If it is determined that the facility does not have value for anyone, then the facility is demolished by District maintenance personnel or by contract.
3. If the determination has been made that the facility may have value for someone else the Districts will solicit local contacts to determine if they can identify any potential buyers. Usually the District office is contacted by potential buyers. Capital Facilities will then contact State Building Division (SBD) about the sale of the facility to determine if any agencies would be interested in buying the facility. Other state agencies will be provided the opportunity before any Local Public Agencies (LPAs) or the private sector. If there is a state agency that is interested then Right-of-Way will begin negotiations with that agency on the sale of the facility. If there are no state agencies interested in the facility then LPAs will be asked if they would like to purchase the facility.
4. While Capital Facilities is working with SBD to determine if any agencies are interested in the facility, Right-of-Way is preparing the sales documents. This includes performing surveys and appraisals, acquiring or developing legal descriptions, environmental impacts and getting approval for the sale. Right-of-Way will then begin to contact LPAs to let them know the state will be selling the facility. If any LPAs are interested Right-of-Way must wait until Capital Facilities lets them know that no state agencies are interested in purchasing the facility. Once there are no state agencies interested, Right-of-Way will work with the LPAs to see if they are interested. If they are interested in purchasing the facility then Right-of-Way will begin negotiations with the LPA. If there are no LPAs interested in the facility then a determination will be made as to whether or not it will be sold to the public.
5. If the decision is made to either sell the facility to a state agency, LPA or the public the next step after negotiations with Right-of-Way is to execute the sale. Money is received from the buyer; the deed is signed by the Governor, recorded in NDOT records, and transferred to the buyer. Any other pertinent information is provided to the buyer, such as: plans, specifications, work orders, keys, and CFAMS data export. Once completed Right-of-Way will send notification to Capital Facilities, Controller, and the appropriate District. If payment is a check it is sent to Controller Division to be deposited in the NDOT cash fund. If the buyer

is another state agency, payment will be made by a transfer of funds between the agencies using an IBT (Intra-Bureau Transfer) document.

End of Chapter 10

Chapter 11 Facility Condition Index

To be determined at a later date.

End of Chapter 11

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Chapter 12 Address Procedures

- A. Facility Address Procedure
United States Postal Mail and 911 Emergency address procedures for creating, updating, and assigning physical addresses for NDOT Facilities shall be as outlined in the following procedure.
- B. Location of Reports
Address reports may be found in the Report System Portal under Controller Division – NDOT Share or in the Capital Facilities Asset Management System (CFAMS).
- C. Address Types (Data Fields in CFAMS)
1. Address Line 1 – Physical address of the facility, could be the mailing and 911 address.
 2. Address Line 2 – Post Office Box, if the facility rents a box from the postal service.
 3. Address Line 3 – If an additional 911 address is required. Some areas' postal service and emergency response teams do not have the same addresses for a particular location. The city/county should notify NDOT if this occurs with a facility.
 4. Wayfinding – Directions to the site from the closest intersection, mile marker, or both, based on the state highway map.
- D. Review Process
1. Every calendar year in November, Capital Facilities will request each District to review the yard and building inventory and all data fields stored in CFAMS, including addresses.
 2. Every calendar year in December, the Districts and Divisions Operations Directory will be updated with the revisions and/or additions to CFAMS made in November. Each District will be asked to conduct a final review and provide updated contact information and telephone numbers for the directory.
 3. Capital Facilities shall be notified of any updates and/or changes that are required to be made to the inventories or to the stored data. The information will be updated in CFAMS and the Department of Administrative Services State Building Division's asset system. As address changes occur throughout the year Districts shall notify Capital Facilities.
 4. For any new yards, the District shall contact the city/county to determine the proper physical address of the site. If there is no current physical address, then the District is responsible for contacting the local government to have a physical address created.
 5. Addresses shall be formatted to comply with United States Postal Services' (USPS) standards. To determine if an address complies with USPS standards, visit the USPS website, navigate to "Find a Zip Code", and follow the steps provided.
 6. Addresses shall be coordinated with city/county 911 requirements, some department facilities may have different physical mailing addresses than the 911 emergency address. The city/county determines the physical and 911 addresses. If there are multiple addresses for a facility, the city/county should notify the District of any modifications.
 7. CFAMS shall be the official database for NDOT facility address information. All address dependent databases and reports generated for the Department originate from CFAMS. Due to the dependence on CFAMS for accurate information it is critical the data be current.

End of Chapter 12

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Chapter 13 Sign Guidelines for Facilities

It is the intention of this chapter to outline the utilization, placement, installation, design and funding for ADA Interior and Exterior Signage for NDOT Maintenance Facilities.

- A. Interior Signage Not Related to a Construction Project
Department representative authorized to procure interior signage:
 - 1. Review NDOT Policy for Interior Signage in this section.
 - 2. Review Signs in this section.
 - 3. Once the location, quantity, type of sign, wording/numerals/graphics and schedule for installation have been documented by the procurement personal, and agreed to by Capital Facilities, the procurement may proceed in accordance with standard NDOT purchasing policies and procedures.
 - 4. Questions? Contact Capital Facilities.
- B. Interior Signage Related to a Construction Project
The Capital Facilities Project Manager (PM) will:
 - 1. In all cases review any proposed new or revised room numbering with the architect for their approval and coordination. The room numbering should be done at the end of the approved schematic design phase so that these numbers are the only room numbers used on the floor plans by the architects.
 - 2. Room numbers and names shall match the plans from the architect.
 - 3. Capital Facilities will manage the planning phase of the signage procurement to establish the locations, quantity, type of signs, text/numerals, and color. Capital Facilities will work with procurement to procure the signage for the project using previously approved project funds.
- C. Exterior Signs
 - 1. Handicap parking spaces shall have a sign using the international symbol of accessibility in front of each space. The ground shall be painted with the international symbol of accessibility in the parking space area.
 - 2. Exterior doors shall be marked as wheel chair accessible or non-wheelchair accessible. If exterior doors are non-wheelchair accessible then directional signs shall be posted directing to the nearest wheel-chair accessible entrance.
- D. Interior signs
 - 1. All buildings will use the approved NDOT standard signage.
 - 2. There shall be one sign for each permanent space or room; this would include offices, conference rooms, labs, and restrooms.
 - 3. All signage must comply with ADA regulations.
 - 4. Permanent rooms will be named with raised text with accompanying Braille. (Examples include Mechanical Rooms, Offices, Conference Rooms, etc.)
 - 5. All doors along the main corridors of a building must have signs.
 - 6. All signs are to be located on the latch side of the door at 5'0" on center and 4" away from the doorframe.

7. If there is not a door and a sign is needed, the sign will be placed on the right side of the opening, 5'0" on center and 4" away from the side of the opening.
8. Any sign to be mounted at 80" or above must not have raised letters or the accompanying Braille; letters shall be at least 3" high.
9. Signs may be mounted using double sided foam tape available through most office supply and home improvement stores, or 3M VHB 4910 or 3M VHB 5952 double sided mounting tape that is available through Grainger. Double sided tape will adhere better to walls and surfaces if surfaces are cleaned prior to installation with 50:50 mixture of isopropyl alcohol and water.
10. All new construction or construction renovation projects will include the new standardized signage design and will be coordinated by NDOT Capital Facilities and the onsite Project Manager.
11. Each building must have the same color of signage throughout the building. If part of the building already has ADA standard signage, then the signage for the remainder of the building must be completed with the same color of signage.
12. Signs shall be a matt finish, simple with simple text, and have contrasting colors between the sign color and lettering color.
13. Colors, based on visibility of text on background are as follows:

Background color	Text Color
Navy	White
Sky Blue	White
Black	White
Brown	White
Pine Green	White
Burgundy	White
Red (matte)	White
Slate	White
Grey	Black
Gold	Black
White	Black

E. Sign Characteristics

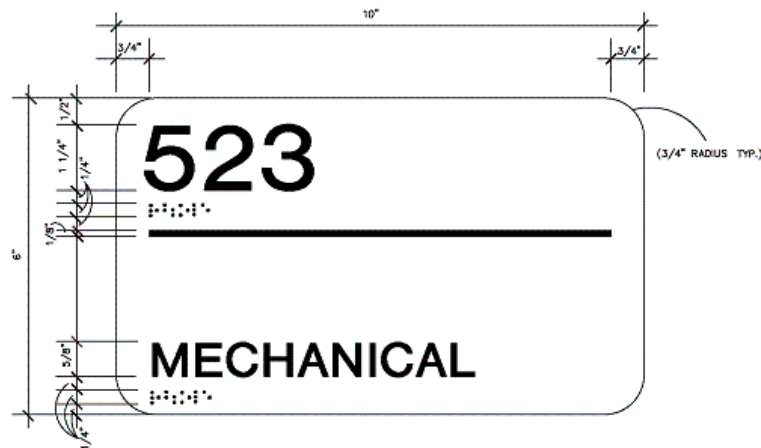
1. Letters and numbers on signs shall have a width-to-height ratio between 3:5 and 1:1 and a stroke-width-to height ratio between 1:5 and 1:10.
2. Characters and numbers on signs shall be sized according to the viewing distance from which they are to be read. The minimum height is measured using an upper case X. Lower case characters are permitted.
3. Letters and numerals shall be raised 1/32 in (0.8 mm) minimum, upper case, sans serif or simple serif type and shall be accompanied with Grade 2 Braille. Raised characters shall be at least 5/8 in (16 mm) high, but no higher than 2 in (50 mm).

4. Pictograms shall be accompanied by the equivalent verbal description placed directly below the pictogram. The border dimension of the pictogram shall be 6 in (152 mm) minimum in height.
5. Directional and Information signs are typically placed higher than other signs. If signs will be mounted above 80" from the floor, the letters shall be at least 3" high.
6. Facilities and elements required to be identified as accessible shall use the international symbol of accessibility.

F. Types of Signs

1. Room Name and Number Signs:
 - a. Room Identification and Room Number shall be combined on one sign.
 - b. Standard Size shall be 6" x 10".
 - c. Example:

Permanent Signage - Room Identification and Room Number

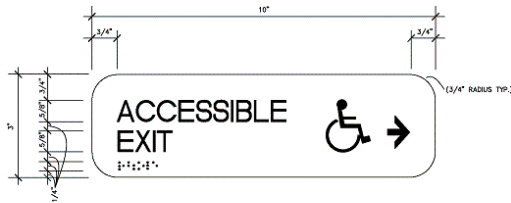


6" H x 10" W
S2

2. Directional Signs:

- a. Accessible Entrances or exits shall be marked accordingly.
- b. Signs shall be placed directing to accessible restrooms, exits, or entrances when accessibility is not available for restrooms, exits, or entrances.
- c. Emergency exits shall have a sign stating that the exit is only an emergency exit.
- d. Directional signs shall be at least 3" in height and 8" in width not to exceed 6" in height or 10" in width.
- e. Examples:

Permanent Signage - Exit Indicator



3" H x 10" W
SE-4

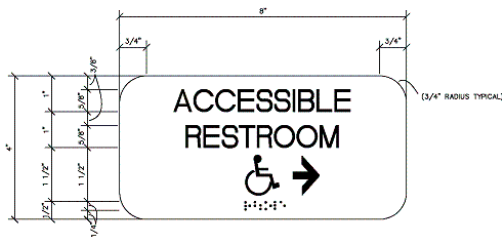
Permanent Signage - Entry Indicator



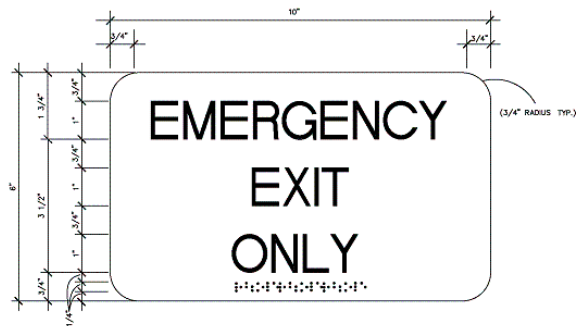
3" H x 10" W
SE-4B

Permanent Signage - Informational

Permanent Signage - Accessible Restroom



4" H x 8" W
SR-6

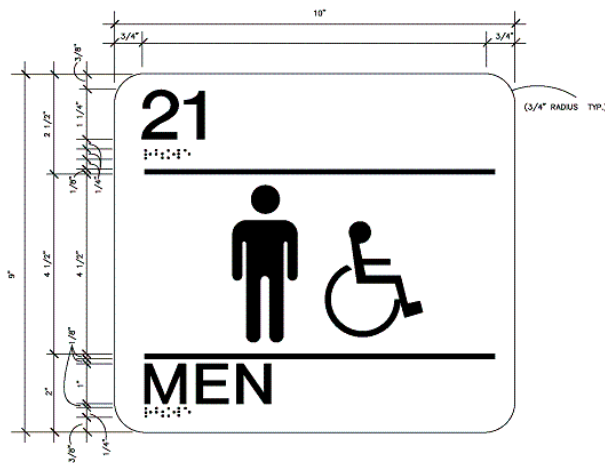


6" H x 10" W
SE-5

3. Restroom Signs

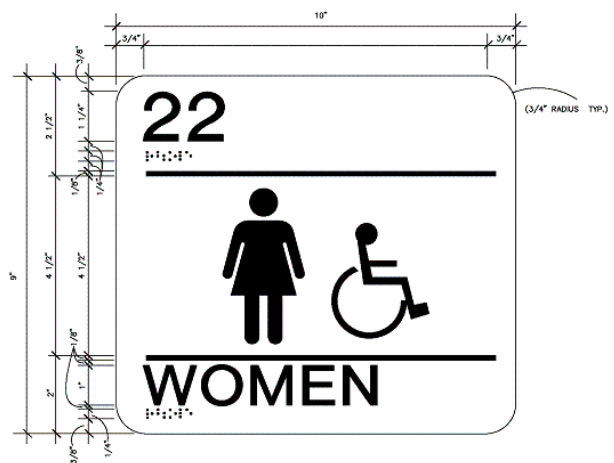
- a. Each Restroom shall have a sign indicating whether it is a men or women’s restroom, the sign shall also include the room number.
- b. Restrooms that are handicapped accessible shall have a sign that uses the international symbol of accessibility.
- c. Restrooms that are not handicapped accessible shall have a sign that does not have the international symbol of accessibility. A directional sign to the nearest wheelchair accessible restroom shall be placed above the restroom sign.
- d. Restroom signs shall be of standard size 9” x 10”. If standard size is not available signs shall be a minimum size of 8” x 8”.
- e. Examples:

Permanent Signage - Handicapped Accessible Restroom



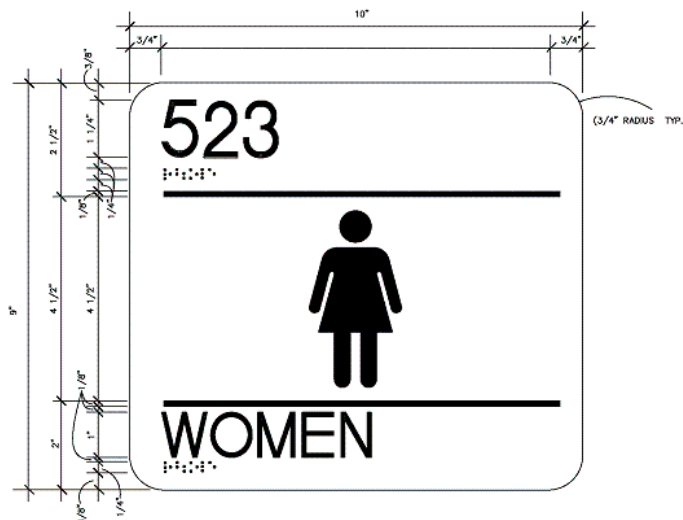
9" H x 10" W
SR-4A

Permanent Signage - Handicapped Accessible Restroom



9" H x 10" W
SR-2A

Permanent Signage - Not Handicapped Accessible Restroom



G. Funding

1. All new construction costs for interior signage will be funded through K project funds.
 - a. All cost associated with, and purchase of, installation and exterior signage, shall be funded by NDOT District funds.
2. All I project, District remodels or renovation projects shall be funded from accounting code 4261 for Construction, Maintenance, Building and Sign Supplies.
3. All projects must follow purchasing guidelines.
 - a. Procurement shall be as required by NDOT purchasing rules for commodities and/or Administrative Services – Agency Procurement Manual for Commodities/Goods
 - b. Purchasing shall be through NDOT Procurement Unit.
4. Purchase specifications shall be written and reviewed by Operations Division – Capital Facilities.

End of Chapter 13

Chapter 14 1% Art Regulations

The purpose of this chapter is to provide guidance on the process of complying with statutory requirements to include art in public works projects

Through discussions and agreement with the Nebraska Arts Council, NDOT will comply with the art regulations as outlined in Appendix H of the Nebraska Administrative Services – State Building Division Procedural Manual for projects at Central Campus facilities, Hill Campus Operations Building, Surveyor's Building, and at District Headquarters Buildings. Except in special circumstances to be determined by NDOT Administration, all other NDOT facilities are exempt from the art regulation requirements.

Following is Appendix H of the Nebraska Administrative Services – State Building Division Procedural Manual current as of January 2015.

End of Chapter 14

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Appendices

DEPARTMENT OF JUSTICE

STATE OF NEBRASKA

STATE HIGHWAY BUILDING

PO BOX 94759

LINCOLN NE 68509-4759

Telephone (402) 479-4611

FAX (402) 479-4325

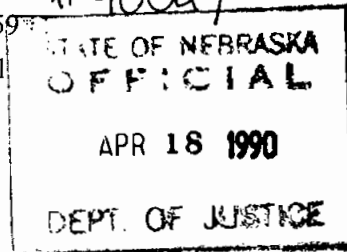
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GENERAL

Gary R. Welch
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ROBERT M. SPIRE
Attorney General

A. EUGENE CRUMP
Deputy Attorney General

WARREN D. LICHTY, JR.
Assistant Attorney General
Chief, Roads Section



DATE: April 10, 1990

REQUESTED BY: G. C. Strobel, Director-State Engineer
Nebraska Department of Roads

WRITTEN BY: Robert M. Spire, Attorney General
Jeffery T. Schroeder, Assistant Attorney General

QUESTION: Is the State Department of Roads subject to the requirements of local building codes?

CONCLUSION: No.

You have asked us whether the State of Nebraska, Department of Roads, must design and construct its buildings in accordance with the requirements of local building codes, including permit, inspection and licensing requirements. We believe that the Department is not subject to the requirements of local building codes.

This office has previously concluded that certain governmental buildings are exempt from local building regulations. In 1967-1968 Report of Attorney General, No. 32, Page 44, the Attorney General concluded that school districts are not required to obtain building permits or pay permit fees to a county. In 1965-1966 Report of Attorney General, page 108, the Attorney General concluded that State fairground buildings would not be subject to the City of Lincoln building codes if the fairgrounds were annexed into the City.

The general rule cited in support of these conclusions is found in 62 C.J.S., Municipal Corporations §157, pp. 319-320, and is stated as follows:

Property of the State is exempt from municipal regulation in the absence of waiver on the part of the State of its right to regulate its own property; and such waiver will not be presumed.

See, also, 101A C.J.S., Zoning and Land Planning §108, pp. 388-391; 82 C.J.S. Statutes, §317, pp. 554-558, 2 Anderson, American Law of Zoning §12.06 p. 493 (1976).

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The above rule requires the legislature to expressly waive the State's right to regulate its own buildings before the State is subject to local building codes. We have examined all pertinent legislation, and with the exception of the State Building Code, we find no express waiver of the State's right to regulate the design and construction of its own buildings.

The legislature has given each county, city and village the power to enact ordinances adopting a building code, an electrical code, a plumbing code, and a fire prevention code, Neb.Rev.Stat. §23-172 (Reissue 1987) (counties), §18-132 (Reissue 1987) (cities and villages). See also, Neb.Rev.Stat. §§14-419, 15-905, 19-922 (Reissue 1987). In 1987, however, the legislature enacted the Building Construction Act, Neb.Rev.Stat. §§71-6401 to 71-6407 (1988 Cum. Supp.). The Building Construction Act created a State Building Code and adopted by reference, as a part of that code, both the Uniform Building Code, 1985 edition, Chapters 1, 4 through 54, and 60, and the Uniform Building Code Standards, 1985 edition. Neb.Rev.Stat. §71-6403 (Cum. Supp. 1988). The State Building Code specifically applies to all buildings and structures owned by the State or any State agency. Neb.Rev.Stat. §71-6404 (1988 Cum. Supp.) The legislature has expressed an intent in this Act that State buildings be subject to only one building code. Local building codes are preempted by this specific legislation, and therefore, the State is not subject to the requirements of local building codes.

The State Building Code, however, does not include requirements concerning plumbing, electrical, and fire prevention standards. A question therefore remains regarding whether the legislature expressly waived the State's right to regulate these aspects of building design and construction. The legislature has enacted the State Electrical Act which is applied by the State Electrical Division, Neb.Rev.Stat. §§81-2101 to 81-2145 (Reissue 1987). The State Electrical Board is empowered to:

[a]dopt and revise rules and regulations necessary to enable it to carry into effect the provisions of the State Electrical Act and, in adopting such rules and regulations, the board shall be governed by the minimum standards set forth in the National Electrical Code....

Neb.Rev.Stat. §81-2104. The act provides for county, city or village inspection, if such jurisdiction's electrical code is at least as stringent as the provisions of the State Electrical Act, Neb.Rev.Stat. §81-2125. Unlike the State Building Code, there is no section of the State Electrical Act that specifically makes its requirements applicable to State-owned buildings. Therefore, the State Electrical Act does not apply to State-owned buildings.

The legislature has also provided for local plumbing inspection in Neb.Rev.Stat. §§18-1901 to 18-1920 (Reissue 1987). This legislation created local plumbing boards and empowered them to provide for licensing, permit fees and inspections. There is no section of this act that specifically makes its requirements applicable to State-owned buildings. Therefore, the provisions of §18-1901 et seq. do not apply to State-owned buildings.

The legislature has not expressly provided that State buildings are subject to the requirements of local building codes. Therefore, according to the Corpus Juris Secundum citation set out at the beginning of this opinion, the State is immune from local building codes. In arriving at this conclusion, we have also examined Nebraska case law.

There are no cases in Nebraska that discuss the specific question of the applicability of local building codes to State buildings. There have been, however, three cases that involved the applicability of local zoning regulations to governmental projects. First, in Seward County Board of Commissioners v. City of Seward, 196 Neb. 266, 242 N.W.2d 849 (1976), the court decided that the City of Seward and the Seward Airport Authority were not subject to the zoning regulations of Seward County. The court stated:

It has frequently been stated that the power of eminent domain is inherently superior to the exercise of the zoning power, and that the grant of eminent domain power to a governmental unit renders the unit immune from zoning regulation.

Seward County, 196 Neb. at 274, 242 N.W.2d at 854.

Second, in Witzel v. Village of Brainard, 208 Neb. 231, 302 N.W.2d 723 (1981), the Village of Brainard sought to build a fire station in an area not zoned for that use, and to construct the fire station building in violation of the building setback requirements. A neighbor sued the village to enjoin the construction, the trial court dismissed the neighbors petition, and the neighbor appealed. The Supreme Court noted that it had previously adopted the eminent domain rule of exemption in Seward County and explained the rule as follows:

The view has gained some ascendancy that zoning ordinances are inapplicable to governmental projects for the construction of which the agency in question has the power to condemn or appropriate lands by the power of eminent domain. The courts supporting this view have, at least tacitly, reasoned that the power of eminent domain is superior to the zoning power, and that a political subdivision with mere zoning authority should not be

permitted to prevent or place limitations upon a public use of property in the furtherance of which a governmental entity has been clothed with condemnation power by the state legislature.'

Witzel, 208 Neb. at 233, 302 N.W.2d at 725, citing 82 Am.Jur.2d Zoning and Planning §152 at 636-637 (1976). The court affirmed the trial court and held that the village was not subject to its own zoning regulations.

Third, in County of Knox v. City of Creighton, 214 Neb. 196, 333 N.W.2d 395 (1983), the county filed a petition for injunctive relief to keep the city from constructing a large industrial storage building in an area where such use was not allowed by the city zoning code. The county was responsible for enforcing the city zoning code. The city demurred to the petition and the district court dismissed the petition. The Nebraska Supreme Court reversed the order of the district court:

The county's petition does not on its face establish that the city has the power to condemn the land and erect thereon the structure in question. It cannot be said, therefore, that it fails to state a cause of action under the rule applied in Witzel and Seward County, supra.

County of Knox, 214 Neb. 198, 333 N.W.2d at 396. In reaching its conclusion, the court discussed Seward County and Witzel:

In both of those cases the power of eminent domain existed and the governmental bodies involved were held to be immune from zoning ordinances on that ground. That is not to say, however, either that there are no other grounds upon which to exempt governmental bodies from their own zoning ordinances or that they are always necessarily exempt therefrom. A number of bases for exempting governmental entities from zoning regulations exist. Among these are the concept of sovereign immunity or preemption; or that the use is in furtherance of a governmental, as distinguished from a proprietary, purpose; or that upon a balancing of interests, an exemption better serves the public.

County of Knox, 214 Neb. at 198, 333 N.W.2d at 396.

The Nebraska Supreme Court has, in these three cases, recognized a governmental immunity from zoning ordinances. Building codes, like zoning regulations, are an exercise of the police power. 1 Anderson, American Law of Zoning §3.06, p.83 (1976). The State of Nebraska, Department of Roads, is empowered to acquire property by eminent domain for highway purposes. Neb.Rev.Stat. §39-1320 (Reissue 1988).

The Department has statutory power to design and construct its buildings. Neb.Rev.Stat. §39-1355 (Reissue 1988). These two statutory powers are preeminent and in light of the three zoning cases discussed above, compel us to conclude that the Department is not subject to the provisions of local building codes.

This conclusion is consistent with the holding of the Michigan Court of Appeals in County of Marquette v. Board of Control of Northern Michigan University, 111 Mich. App. 521, 314 N.W.2d 678 (1981). The County of Marquette was granted an injunction against the construction of student housing until the University complied with the requirements of the State Construction Code. The Michigan Court of Appeals reversed the trial court and held that the State Construction Code does not apply to state university buildings. The court stated as follows:

There seems to be little question but that the State Construction Code was enacted under the state's police power. It is equally clear that even if a law is enacted under the state's police power it does not apply to the state unless it is very clear that the Legislature intended it to apply to the state and its agencies. [Citations omitted.] Nor can there be any dispute that for purposes of statutory construction state universities are agencies of the state. [Citations omitted.]

The court stated that the legislature empowered the University Board of Control with authority to acquire land, and erect and maintain buildings, with legislative approval. County of Marquette, 314 N.W.2d at 679-680. The court cited by analogy a Michigan case in which the State Corrections Department was held to not be subject to a zoning act. County of Marquette, 314 N.W.2d at 680. The court stated with approval the following principle that came out of the corrections case:

[I]f one act establishes a state agency's exclusive jurisdiction over certain subject matter and a second act of general application does not state whether it applies to the agency in question, the second act does not apply to that agency.

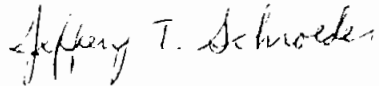
County of Marquette, 314 N.W.2d at 680. The holding of this case is consistent with our conclusion that the Nebraska Supreme Court would extend Seward County, Witzel, and County of Knox to hold that the State Department of Roads is not subject to local building codes unless the legislature has specifically made such codes applicable to State buildings.

G. C. Strobel
Page 6
April 10, 1990

For the reasons cited above, we believe that the Nebraska Department of Roads is immune from the requirements of local building codes.

Sincerely,

ROBERT M. SPIRE
Attorney General



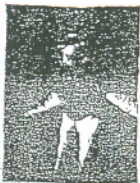
Jeffery T. Schroeder
Assistant Attorney General

JTS/ta

Approved:



Robert M. Spire
Attorney General



Attorney General
Don Stenberg

NEBRASKA DEPARTMENT OF JUSTICE ATTORNEY GENERAL DON STENBERG



April 29, 2002, 2

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Attorney General Opinions

OPINIONS

April 10, 1990

(April 10, 1990)

Opinion 90029

REQUESTED BY:

G. C. Strobel, Director-State Engineer
Nebraska Department of Roads

WRITTEN BY:

Robert M. Spire, Attorney General
Jeffery T. Schroeder, Assistant

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CENTRAL HEADQUARTERS

- *** 1. **Purpose:** To provide policy on the use of the facilities at the central headquarters in Lincoln. The office of primary responsibility for this DOT-OI is the Operations Division. This DOT-OI supersedes DOT-OI 70-01 dated September 11, 2012.
- *** 2. Division heads will submit written requests for additional office space or building modifications, through their deputy, to the Facilities Maintenance Manager of the Operations Division. After performing a feasibility study and obtaining a cost estimate, the Operations Division will forward the request to the Deputy Director. If approved, the work will be scheduled.
- *** 3. Hanging or attaching pictures, bulletin boards, etc., shall be performed by Facilities Maintenance personnel. Using tape for fastening items to walls, doors, or furniture is prohibited. **FOR SAFETY REASONS, EMPLOYEES SHOULD NOT PLACE UMBRELLAS, BOXES, TRASH, OR OTHER ITEMS IN HALLWAYS.** Requests or reports for lock changes, furniture moving, janitorial, HVAC complaints or malfunctions will be referred to the Facility Maintenance Manager via email or at extension 4882. The preferred method for submitting maintenance requests is by selecting the "Facilities Maintenance Request" desktop icon. Dial 4542 if immediate attention is needed.
- *** 4. For telephone installation, relocation, or modification, division heads or designee will submit a ticket through the Service Portal. Agency internal contact is the phone support group within the Operations Division at NDOT.
SupportPhoneService@nebraska.gov.
5. Employee and Handicap Parking:
- A. Employees will park only in the approved areas or as assigned by the Operations Division. Failure to park in designated areas may result in disciplinary action. **Visitor parking in front of the Central Headquarters (1500 Building) and the north side of the Patrol (1600 Building) and the south side of the Materials and Research building (1400 Building) is not to be used by employees assigned to those buildings. VEHICLES SHALL NOT BE BACKED INTO DIAGONAL PARKING STALLS, PARKED IN OTHER THAN MARKED STALLS, OR DRIVEN AGAINST THE TRAFFIC FLOW IN ONE-WAY AREAS.** Vehicle operators shall drive slowly, carefully, and be particularly watchful for pedestrians. Motorcycles and bicycles will be parked only in designated areas. The Facilities Maintenance Manager of the Operations Division is authorized to enforce the above by issuing "tickets" and contacting employees who violate this policy. Any disciplinary action resulting from the issuance of "tickets" will be in accordance with the Classified System Rules and Regulations or the current State of Nebraska and NAPE/AFSCME Labor Contract.

- B. Handicap parking stalls are available to the public and employees in accordance with the Americans with Disabilities Act (ADA). Handicap parking stalls located next to the general public entrances to each building are intended to be used by "visitor(s)" and not for the general use of employees. Employees with disabilities, having certified parking signage on their vehicle, shall park in designated handicap stalls located in each employee parking lot.
 - C. Temporary "Special permit" parking stalls are available in Lot 'C' north of Central (1500) Building for employees with temporary mobility limitations. Special Permits shall be approved by the requesting employee's division manager and Facilities Manager. Special permits may be allowed for other buildings by request.
6. Admission to the central headquarters buildings, at times other than normal working hours, will be in accordance with the following.

- A. Access cards will be issued to all employees. Normal access is all buildings 6:00 a.m. to 6:00 p.m., Monday through Friday. Additional access times and areas accessed is at the discretion of division heads only. Division heads will submit NDOT Form 106 to Human Resources for additional access. The request will include the: (1) full name, (2) Employee ID (NIS#), (3) building(s) to which access is required, and (4) days of the week and times of day that access is required. Human Resources will maintain a file showing the disposition of all cards. Employees to whom cards are assigned are responsible for their safekeeping and use. **AN ACCESS CARD WILL NEVER BE LOANED TO OR USED BY ANOTHER PERSON. IF A CARD IS LOST OR STOLEN, REPORT THE INFORMATION TO HUMAN RESOURCES IMMEDIATELY.**

- B. Keys for internal office doors may be issued to employees at the discretion of division heads only, who will submit a written request to the Facilities Maintenance Manager. The Facilities Maintenance Manager will require that employees sign for keys and will maintain a file showing the disposition of all keys. Employees to whom keys are assigned are responsible for their safekeeping and use. **KEYS FOR THE CENTRAL HEADQUARTERS BUILDINGS MAY ONLY BE DUPLICATED BY THE FACILITIES MAINTENANCE MANAGER.**

- C. **Central Complex Office Buildings:** Except for holidays, the main entry door will be unlocked from 8:00 a.m. to 5:00 p.m., Monday through Friday. Employees entering the building will use an access card at a card-reader door. **IT IS THE EMPLOYEE'S RESPONSIBILITY TO ENSURE THAT THE DOOR IS LOCKED AFTER ENTERING OR EXITING.**

- D. **5001 South 14th Street Facilities:** Except for holidays, the yard gate will automatically open at 5:30 a.m. and close at 6:00 p.m., Monday through Friday. Employees entering the yard at other times will use an access card. **IT IS THE EMPLOYEE'S RESPONSIBILITY TO ENSURE THAT THE DOORS AND GATE ARE LOCKED AFTER ENTERING OR EXITING.**

7. Auditorium and Meeting Rooms:

- A. **The Auditorium** (capacity: 125) may be reserved by using the Outlook Calendar "New Meeting" function and requesting Room (NDOT) Lincoln 1500 Building 139A. Staff at Operations Division extension 4542 are available to assist. Users will be asked to fill out a NDOT Form 48, "Request for Use of Auditorium" and return to Operations Administrative Staff. The Auditorium configuration will be optimized for the size of space required. The Operations Division will set-up the auditorium as requested. Users may be required to assist the Operations Division in setting-up for their meetings. Tables or chairs will not be removed from the Auditorium without the prior approval of the Operations Division.

Moe Jamshidi, P.E.
Deputy Director – Operations

CAPITAL FACILITIES PROJECTS

- ***
1. **Purpose:** To provide policy for Capital Facilities (CAP-FAC) maintenance, repair, or construction projects as related to NDOT facilities, including, but not limited to, buildings, yards, rest areas, and weigh stations. CAP-FAC projects do not include the construction, reconstruction, improvement, maintenance, or repair of roads, bridges, or their appurtenances. The office of primary responsibility for this DOT-OI is the Operations Division. This DOT-OI supersedes DOT-OI 80-07 dated August 4, 2016.
 2. CAP-FAC **construction** project contracts shall not exceed \$100,000 in cost and shall be let in accordance with the formal bidding procedures as determined by scope and need. \$15,000 and less shall be let in accordance with the Open Market Purchasing procedures in paragraph four. See Section 39-1355, Nebraska Statutes. Construction projects in excess of \$100,000 shall follow the requirements of the K-Program; refer to the Capital Facilities Procedures Manual.

Examples include:

- A. New buildings/structures.
- B. Building additions.
- C. Major remodels

3. Contracts for CAP-FAC **maintenance** projects shall be awarded to the lowest responsible bidder. Contracts estimated to cost \$100,000 or more shall be let in accordance with the formal or informal bidding procedures as determined by scope and need. Contracts estimated to cost \$15,000 to \$100,000 shall be let in accordance with the informal competitive bidding procedures in section four. Contracts estimated to cost \$15,000 and less shall be let in accordance with the Open Market Purchasing procedures in paragraph five. See Section 72-803, Nebraska Statutes.

Examples include:

- A. Minor remodels.
- B. Overhead door replacements.
- C. Re-roof projects.
- D. HVAC replacement/upgrade projects.

4. **Open Market Purchasing:** Contracts for CAP-FAC construction and/or maintenance projects estimated to cost \$15,000 and less may be let as informal bids.
 - A. AFE Numbers are required for all projects.
 - B. Advertisement is not required unless the District Engineer/Division Head determines that additional notice is appropriate.
 - C. Price quotations are strongly recommended and should be documented in a manner appropriate for the scope and nature of the work.

- D. Award shall be made to the lowest responsible bidder.
 - E. Price quotations shall be secured and documented in a manner determined to be the most appropriate for the scope and nature of the work, goods and services involved.
5. **Informal Competitive Bidding:** Contracts for CAP-FAC maintenance projects estimated to cost more than \$15,000, but less than \$100,000, shall be let as follows:
- A. AFE Numbers are required for all projects.
 - B. Advertisements shall not be required unless the District Engineer/Division Head determines that additional notice is appropriate.
 - C. Minimum of three (3) bids shall be sought for the work to be performed.
 - D. Bids will be accepted only on the bid proposal form issued by the department and said form will provide the following information:

- (1) Bids must be submitted to the Operations Division Capital Facilities Manager, Nebraska Department of Transportation, P.O. Box 94759, Lincoln, Nebraska 68509-4759 and/or the responsible District, as appropriate.
- (2) The department will fix not only the day upon which such bids will be returned, received, or opened, as provided by other statutes, but will also fix the time at which such bids will close. The department will also provide that such bids will be immediately and simultaneously opened in the presence of the bidders, or representatives of the bidders, when the time is reached for the bids to close. In cases where bids are being opened on more than one contract, the department may, if deemed advisable by the department, award each contract as the bids are opened. Reference: Section 73-101, Nebraska Statutes.
- (3) The department reserves the right to reject any and all bids or waive technical errors when it is in the best interest of the department.
- (4) A bid-bond shall not be required unless determined necessary by the department.
- (5) All projects estimated to cost in excess of \$15,000, performance bonds shall be provided equal to the contract amount. See Section 52-118 and 72-803, Nebraska Statutes.
- (6) Insurance requirements will be stated on or within the bidding documents.

6. **Formal Competitive Bidding:** Contracts for CAP-FAC construction and facility maintenance projects estimated not to exceed \$100,000 in cost shall be let as follows.
- A. AFE Numbers are required for all projects.
 - B. Advertisements for bids must be published in a newspaper of general circulation in the state for a period of not less than 20 days by publication of notice thereof once a week for three consecutive weeks.
 - C. Bids will be accepted only on the bid proposal form issued by the department and said form will provide the following information.
 - *** (1) Bids must be submitted to the Operations Division Capital Facilities Manager, Nebraska Department of Transportation, P.O. Box 94759, Lincoln, Nebraska 68509-4759 and/or the responsible District, as appropriate.
 - (2) The department will fix not only the day upon which such bids will be returned, received, or opened, as provided by other statutes, but will also fix the time at which such bids will close. The department will also provide that such bids will be immediately and simultaneously opened in the presence of the bidders, or representatives of the bidders, when the time is reached for the bids to close. In cases where bids are being opened on more than one contract, the department may, if deemed advisable by the department, award each contract as the bids are opened. Reference: Section 73-101, Nebraska Statutes.
 - (3) The department reserves the right to reject any and all bids or waive technical errors when it is in the best interest of the department.
 - (4) Bids must be sealed and accompanied by a certified check or bid-bond in a sum fixed by the department.
 - (5) All projects estimated to cost in excess of \$15,000, performance and payment bond shall be provided equal to the contract amount. See Section 52-118 and 72-803, Nebraska Statutes.
 - (6) Insurance requirements will be stated on, or within, the bidding documents.
 - D. A bidder is permitted to withdraw his/her unopened bids prior to the time specified in the proposal for the close of bidding. The request for withdrawal shall be in writing and shall include the reason(s) for withdrawal.

- E. After the proposals are opened and read aloud, the results of the comparisons will be made public within 24 hours after the announced time for opening bids, excluding non-working days. Award will be made in accordance with State Statute 81-1108.55, "Competitive bids; award to lowest responsible bidder; elements considered; procurement reports." The contract will be awarded to the lowest responsible bidder and the contract documents will be sent to said bidder within 30 days of the award.

7. Documentation:

- A. The form "Capital Facilities Construction Proposal and Agreement," shall be the authorization document.
- B. Projects estimated to cost in excess of \$15,000 require assignment of an AFE from the Operations Division Capital Facilities Manager and/or responsible District.
- C. All original documentation will be retained by the Operations Division Capital Facilities Unit and/or responsible District.
- *** D. Project payments shall be made using a NDOT Form 225, "Order/Payment Form," and will be processed through the Operations Division to the Controller Division.

Moe Jamshidi, P.E.
Deputy Director – Operations

PROCUREMENT

- ***
1. **Purpose:** To provide policy which standardizes and controls the procurement of stocked and nonstocked items, repairs, and services. The office of primary responsibility for this DOT-OI is the Operations Division. This DOT-OI supersedes DOT-OI 80-09 dated April 24, 2012.
 2. All purchases of the following items must be made through the Department's approved Resource Manager or other designated representative (unless otherwise authorized). Resource Managers are as follows:
 - A. Operations Division:
 - Supplies and Materials
 - Office Equipment/Furniture
 - Engineering Equipment
 - Motor Vehicles & Other Road Equipment
 - Telecommunications Equipment
 - Shop Equipment
 - Highway Maintenance Contracts
 - Building Construction and Repair
 - B. Business Technology Support Division:
 - Data Processing Equipment, Systems, Software, and Services
 - C. Materials and Research Division:
 - Testing Equipment
 - D. Project Development:
 - Contractual Services
 3. All requests for purchases will be made on a completed NDOT Form 225, "Purchase Order" which has been approved by an individual identified on the Division's/District's propriety of purchasing listing. Resource managers will coordinate all requests for purchases through the Operations Division with the exception of contractual services. Operations Division will review all requests and submit them to the State Purchasing Agent.

4. Local purchases of certain items are allowed on an "as required" basis. Purchases of this type will not exceed \$2,000. Procurement may not be split among two or more transactions or into individual transactions to avoid the \$2,000 limitation, procurement cards may be used for these type of purchases. Price comparisons are highly recommended on purchases greater than \$500 and should be noted on the purchase order. Certain items are restricted from the local purchase authorizations and CANNOT BE PURCHASED LOCALLY FOR ANY DOLLAR AMOUNT. Items restricted are:

- A. **Contract Items** - Items for which contracts have been established by the State of Nebraska may not be purchased from other sources. (For information regarding contract availability, contact Operations Division.) The contract number must be recorded on the Department of Transportation's purchase order.
- B. **Items produced by Cornhusker State Industries** - Items that are manufactured or produced by Cornhusker State Industries that can be reasonably adapted to the actual needs must be purchased from Cornhusker State Industries through Operations Division. Includes items such as office furniture, lockers, soaps, detergents, etc.
- C. **Office Supply Items** - All office supply items must be purchased through the statewide contract. Procedures have been established by Operations Division.
- D. **Office Furniture** - All office furniture items must be purchased through the Operations Division.
- E. **Printing** - All printing by an outside vendor must go through the Division of Communications, who then determines where the job will be performed to best meet the needs.
- F. **Printing, Reproduction, and Mailing Equipment** - All equipment must be purchased through the Administrative Services-Materiel Division.
- G. **Motor Vehicles & Other Road Equipment** - All equipment must be purchased through Operations Division Fleet Manager.
- H. **Telecommunications Equipment** - All items must be purchased through Operations Division. Telecommunications equipment includes:
 - 1) telephone equipment, fax machines, services and facilities
 - 2) data communications equipment, modems, services and facilities
 - 3) radio equipment
- I. **Data Processing** – Business Technology Support Division is responsible for the acquisition, coordination and consolidation of all data processing equipment, software and services. Districts and Divisions are authorized to purchase data processing equipment, software and services costing less than \$500, with the following restrictions or reporting requirements:

1) **Purchasing IT Hardware and Software - following are the instructions to be used for purchasing IT hardware and software.**

*** Items less than or equal to \$500 - Items in this category must be compatible with current NDOT products. Items may be purchased locally, see note on contracted items below, or the Business Technology Support Division may be requested to order them. All hardware items will be coded to account 4313 and all software items will be coded to account 4314.

*** Items less than or equal to \$1,500 and greater than \$500 - Items in this category must be compatible with current NDOT products and be purchased by the Business Technology Support Division. All hardware items will be coded to account 4313 and all software items will be coded to account 4314.

*** Items greater than \$1,500 - Items in this category must be compatible with current NDOT products and be purchased by the Business Technology Support Division. All hardware items will be coded to account 4856 and all software items will be coded to 4857.

Contracted Items – The State has established contracts for personal computers and selected software. Therefore, all purchases of these items must be made from the established contracts. Before purchasing any IT hardware or software locally, the Business Technology Support Division should be contacted to see if there is a State contract for that item and if there is a department suggested standard brand/model.

2) Inventory - The following are the instructions to be used for inventorying IT hardware and software.

The Business Technology Support Division will determine which hardware and software will be inventoried regardless of how they were obtained (purchased by the Business Technology Support Division, purchased locally, downloaded from the Internet, etc.) or how much they cost. Hence, all hardware and software purchased locally must be reported to the Business Technology Support Division. Likewise, any software products downloaded from the Internet must be reported to the Business Technology Support Division for inventory purposes.

5. Motor Vehicle Parts and Repair: For all motor vehicle repairs greater than \$3,000:

- A. **Prior** to any purchasing, receive approval from the Operations Division Fleet Manager.
- B. Forward all documents for payment to Operations Division Fleet Manager.

- 6. Building Maintenance/Repair: \$15,000 and Over.
 - A. \$0 - \$15,000: Open market Purchasing process; Three quotes strongly recommended and documented, no AFE number required.
 - B. \$15,000 - \$35,000: Open market Purchasing process; AFE number required.
 - C. \$35,000 - \$70,000: Informal Competitive bid process by operations and/or responsible District and an AFE number required.
 - D. \$70,000 and greater: Formal Competitive bid process by Operations and an AFE number required.
 - *** E. For further information, see DOT-OI Cap Fac 80-07.

- *** 7. Emergency Procurement required to safeguard the State Highway system, as indicated in Nebraska Statute Section 39-1343, will be documented on a NDOT Form 225 Purchase Order, with a statement, "Emergency Procurement as Authorized by Section 39-1343" and a brief description of the emergency situation.

Authority to make these emergency purchases is limited as follows:
 - Up to \$100,000 = District Engineers
 - More than \$100,000 = Director

- *** 8. NDOT Form 168 "Accounting Coding Attachment" is being replaced by NDOT Form 225. It should be used for the purchase of and payment for the following items:
 - A. Utilities, including telephone billings
 - B. Janitorial services
 - C. Lodging
 - D. Office machine repair
 - E. Postage and advertising expenses
 - F. Freight charges not covered on purchase orders
 - G. Conference expenses
 - H. Contractual services

Forward all documents to Controller Division, Disbursements Unit for payment processing.

- *** 9. Please reference Department of Transportation's Accounting Manual, Procedure 2.03 for a detailed description and requirement for each account code.

Moe Jamshidi, P.E.
Deputy Director - Operations

Fabric Structure Cost Estimate Calculations:

Date:

Project Location:

AFE: (Required) L-

Yard No.:

Sitework Inputs:

Earthwork, including Labor:

Asphalt, including Placement:

NDOT Labor:

Sitework Subtotal: \$0.00

Structure Inputs:

Vendor Structure Cost:

Vendor Structure Installation:

NDOT Structure Installation Labor:

Small parts, fasteners, signage, tools, mortar, concrete, etc.

Equipment Rental:

Structure Subtotal: \$0.00

Miscellaneous Inputs:

Concrete Block Supply:

Concrete Block Delivery Costs (shipping):

Concrete Block Installation (labor):

Adhesive Supply:

NDOT Equipment:

Miscellaneous Subtotal: \$0.00

Estimate Subtotal: \$0.00

Contingencies (5%): \$0.00

Estimate Total: \$0.00

Salt Storage Building Calculations:

Inputs:

Width of Building (ft.): Ft.

Length of Building (ft.): Ft.

Salt Height at Side Wall (ft.) Ft.

Number of block courses (Salt height+ 2'-0") **1 Courses**

Block Face Square Foot (example: 6'-0" x 2'-0" block = 12 sq. ft.) Sq. Ft.

Overhead Door Area (18'-0" wide x block wall height): No. of OHD's: 0 Sq. Ft.

Full Blocks

Outputs:

Salt Volume (ft³): 0.00 Cu.Ft.

Salt Capacity (lbs.): 0.00 Lbs.

Capacity (tons): 0.00 Tons

Minimum Total Height of Shed (ft.): 0.00 Ft.

Force on the Wall per Foot Length (lbs.): 0.00 Lbs.

Coefficient of Friction (Concrete on Concrete, dry): 0.70

Minimum Weight per Foot Length of Wall to Prevent Sliding (lbs.): 0.00 Lbs.

Concrete Density: 140.00

Block Cross Section (Minimum): 0.00 Sq.Ft.

Weight of Salt per Cubic Foot

72.00

Nebraska Department of Transportation
Capital Facilities Land Acquisition Request

1. THE REQUESTING DISTRICT IS RESPONSIBLE FOR THIS SECTION:

- a. Requesting District:
- b. Request Date:
- c. District Contact:
- d. Facility Type:
- e. Other (describe Facility Type):
- f. Construction Office will be co-located:
Yes No
- g. NSP Office will be co-located:
Yes No
- h. Staffing Type:
- i. Other (describe Staffing Type):
- j. Justification for Request:

k. Location/Description:

- l. District Needs List: 2-year 6-year 20-year Other
- m. Deputy Director-Operations Initial Review Date:

* Forward request to NDOT.CapitalFacilitiesAcquisitions@nebraska.gov.

2. CAPITAL FACILITIES IS RESPONSIBLE FOR THIS SECTION:

CAP FAC Committee Needs List	Yard Number	CAP FAC Date

3. ENVIRONMENTAL IS RESPONSIBLE FOR THIS SECTION:

Environmental Section Manager Signature Date Signed

* Forward request to NDOT.CapitalFacilitiesAcquisitions@nebraska.gov.

4. RIGHT OF WAY IS RESPONSIBLE FOR THIS SECTION:

Preliminary Cost Estimate ROW Division Administrator Signature Date Signed

* Forward request to NDOT.CapitalFacilitiesAcquisitions@nebraska.gov.

5. DEPUTY DIRECTOR-OPERATIONS APPROVAL:

Signature Date Signed

Nebraska Department of Transportation
Capital Facilities Land Acquisition Request

Purpose – To ensure consistency when making a Capital Facilities Land Acquisition. Capital Facilities Land Acquisitions shall include but are not limited to the following: all yard site classifications, expansions, storage sites and mixing strips.

1. THE REQUESTING DISTRICT IS RESPONSIBLE FOR THIS SECTION:

- a. Requesting District.
- b. Request Date.
- c. District Contact.
- d. Facility type picked from the dropdown (New Yard, Yard Expansion, Reload Site).
- e. Other (describe if applicable).
- f. Construction Office be co-located on site? Yes or No
- g. NSP Office be co-located on site? Yes or No
- h. Staffing type (type of yard it is): Superintendent, Supervisor, Manned, Unmanned, Other.
- i. Other (describe).
- j. Justification for Request (including Need and Use): Provide an explanation of the purpose for purchase, including the need and use of the land. If the request is a yard expansion, provide the name and yard number of the existing yard.
- k. Location/Description:
 - Provide as much information about the location that you can.
 - Lot, block, section, township, and approximate area.
 - ****It is required that you attach an aerial view including boundary with sketch****
 - If you have identified more than one piece of land, please rank them.
- l. District Needs List: Is this request on your 2-year, 6-year, or 20-year District needs list?
- m. Deputy Director-Operations Review Date: The date that the Deputy Director-Operations authorized proceeding with developing this request.

2. E-mail to NDOT Capital Facilities Acquisitions (NDOT.CapitalFacilitiesAcquisitions@nebraska.gov) when complete.

2. CAPITAL FACILITIES IS RESPONSIBLE FOR THIS SECTION:

- a. Is this request on the CAPFAC Committee's statewide 2-year, 6-year, or 20-year needs list?
- b. Provide yard number (new number for new yard – or, existing number for existing yard).
- c. Provide the date the yard number was assigned to a new yard, or date existing yard number was verified.

* E-mail to NDOT Capital Facilities Acquisitions (NDOT.CapitalFacilitiesAcquisitions@nebraska.gov) when complete.

3. ENVIRONMENTAL IS RESPONSIBLE FOR THIS SECTION:

- a. Environmental Section Manager Signature
- b. Date Signed to indicate that the initial environmental review is complete.
- c. Attach any documentation to the form that is needed.

* E-mail to NDOT Capital Facilities Acquisitions (NDOT.CapitalFacilitiesAcquisitions@nebraska.gov) when complete.

4. RIGHT OF WAY IS RESPONSIBLE FOR THIS SECTION:

- a. Provide preliminary cost estimate.
- b. ROW Division Administrator signature.
- c. Date signed.

5. E-mail to NDOT Capital Facilities Acquisitions (NDOT.CapitalFacilitiesAcquisitions@nebraska.gov) when complete.

5. DEPUTY DIRECTOR-OPERATIONS APPROVAL – Capital Facilities will present the completed form to the Deputy Director-Operations for approval; once approved, the final NDOT Form 95 will be sent to NDOT Capital Facilities Acquisitions (NDOT.CapitalFacilitiesAcquisitions@nebraska.gov) to retain in their records.

Capital Facilities Fabric Structure or Miscellaneous Storage Building Request

(to be completed by requesting Division/District)

District/Division: _____
Request Priority: _____
Request Contact: _____

Yard Name: _____
Yard No.: _____

Site Classification Code: _____

Request For:

- Miscellaneous Storage Building
- Fabric Structure:
Size: _____ (l x w)
On: Blocks
 L-Panel
 Helical Piles
 Existing Bunker
- Other:

Summary Explanation (need and use) and/or Description of Request: (Attach aerial view and structure location.)

Requested By: _____
(Signature) (Date)

Approved by District Engineer/Division Manager: _____
(Signature) (Date)

This form shall be submitted by the District/Division Manager to the Capital Facilities Manager for review and preliminary cost estimating. This Section shall be completed by Capital Facilities.

Preliminary Cost Estimate: \$
Comments:

Capital Facilities Planning Committee Approval: Yes No Revise Ranking: _____
(FY – Priority No.)

Operations Division Manager: _____
(Signature) (Date)

District: Select
District Priority: Select

5001 S 14th St
PO Box 94759
Lincoln NE 68509-4759
ofc: (402) 479-3746
fax: (402) 479-3902
dot.nebraska.gov

Location: _____
(Town) *(County)*

Site Classification Code: Select

Request Includes: *(Check all that apply)*

- New Yard Yard Addition Yard Consolidation New Building(s)
- Building Addition Building Remodel Other

Summary Explanation and/or Description of Request:

Requested By: _____
(Signature) *(Date)*

Approved by District Engineer/Division Head: _____
(Signature) *(Date)*

This form must be submitted by the District/Division Manager to the Capital Facilities Manager for review, compliance with the Comprehensive Plan, and preliminary cost estimating.
This Section to be filled out by Capital Facilities.

Capital Facilities Manager: _____
(Signature) *(Date)*

Compliance with Comprehensive Plan: Yes No

Preliminary Cost Estimate: \$

2-Year Plan 6-Year Plan 20-Year Plan Proposed Program Year: FY-

Comments:

Operations Division Manager: _____
(Signature) *(Date)*

Request Approved by Deputy-Director: _____
(Signature) *(Date)*

The purpose of this document is to provide informative input to the writer of program statements submitted to the Department of Administrative Services and the Legislature for approval of funding for this facility. This statement lists the space(s) needed and provides additional information on existing problems or special needs of this facility.

1. Existing Facility:

Not Applicable

Location: _____ Acreage: _____
(Yard No. and Name)

Crew Members: _____ Number of Existing Buildings: _____

Lane Miles: _____ Approved Housed Equipment: _____
(Quantity)

Attach most current site layout, civil survey, or aerial of existing yard(s). Image shall be as large as possible on 8½" x 11" or 11" x 17" sized sheets. Provide a list of equipment assigned to the yard(s).

Building No.	Use	Age (Years)	Utilities	Special Equipment
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	
			<input type="checkbox"/> Electric <input type="checkbox"/> Sewer <input type="checkbox"/> Gas <input type="checkbox"/> Phone <input type="checkbox"/> Water <input type="checkbox"/> Data	

Comments on Condition of Existing Facility (*Statement regarding yard or building or facility issues, inadequacies, deficiencies, etc., refer to Capital Facilities Manual for guidance.*):

Attach additional sheets as necessary.

2. Staffing Plan:

Not Applicable

Include a list of staff that will be assigned to the facility. Staffing Plan shall be attached and include the following information: Position No., Position Title, Full or Part-Time Employee, Employee's Name, Current Location, and Projected Date for Position Relocation. Also, include organizational chart for the specific facility. In the field below, provide a narrative justification explanation.

Narrative Justification:

Attach additional sheets as necessary.

3. Future Facility Requirements:

Location: _____
(Yard No. and Name)

Crew Members: _____ Lane Miles: _____

Housed Equipment: _____ Additional Housed Equipment: _____
(Quantity) (Quantity)

Added Building Space Needs	Quantity
Mechanic's Bays <i>(Heated Bays)</i>	
Equipment Bays <i>(Heated)</i>	
Equipment Bays <i>(Cold)</i>	
Office(s)	
Mechanical	
Restrooms	
Tool Storage	
Crew Room	
Construction Lab	
Storage	
Janitorial Room	
IT Room	
Other:	

Site Requirements	Quantity
Staff/Visitor Parking <input type="checkbox"/> Yes <input type="checkbox"/> No	qty.
Surfacing: Type:	s.f.
Fencing	l.f.
Landscaping	<input type="checkbox"/> Yes <input type="checkbox"/> No
Fuel Island: <input type="checkbox"/> Yes <input type="checkbox"/> No	qty.
Fuel Building: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Other:	

Special Needs and Other Comments:

Attach additional sheets as necessary.

4. Land:

If a new yard or yard expansion is required, land purchases must be completed prior to inclusion in Capital Facilities Program Request to the Legislature.

- Yard Addition (*Acres Required*):
 - New Yard (*Acres Required*):
 - Department-Owned Land (*Acres Required*):
-

5. Disposition of Existing Facility:

- Reclassification of Yard
 - Reclassify To: Select
 - Sale of Facility
 - Demolition
-

Attach pictures of existing facility(s) supporting justification for request. Pictures shall also be electronically submitted to Capital Facilities for presentation purposes. Pictures shall be printed in color on 8½" x 11" sheets in 2 row/2 column layout.

Additional Comments:

OWNER WARRANTY WORK REQUEST

Nebraska Department of Transportation

5001 S 14th St
PO Box 94759
Lincoln NE 68509-4759

Project Name: _____

Building No.: _____

Project No.: _____

ofc: (402) 479-3746
fax: (402) 479-3902

dot.nebraska.gov

Substantial Completion
Date: _____

Warranty Submittal No.:

Date Item of Repair/
Correction First Noticed: _____

To: (Contractor) _____

From: (Owner) _____

Contact Person: _____

NDOT Contact Person: _____

Phone: () - _____

Phone: () - _____

Cell #: () - _____

Cell #: () - _____

Description of Item Needing Repair/Correction:

If the Contractor, thirty (30) calendar days after notice, fails to comply with the terms of the guarantee, the Owner may have defects corrected and the Contractor and Contractor's Surety shall be liable for all expenses incurred.

Contractor shall provide the Architect and NDOT with a signed and dated copy of the completed item.

Submission Date: _____

Submitted by (Print): _____

Signature: _____

Title: _____

Contractor's Date of Warranty Item Completion: _____

Contractor's Signature Upon Warranty Item Completion: _____

PROJECT CLOSE-OUT CHECKLIST

Nebraska Department of Transportation

This form shall be completed by the Contractor prior to Final Payment Close-Out.

5001 S 14th St
PO Box 94759
Lincoln NE 68509-4759

Project Name: _____

ofc: (402) 479-3746
fax: (402) 479-3902

Building No.: _____

dot.nebraska.gov

Contractor: _____

Checklist Completion Date: _____

ITEMS	DESCRIPTION	DATE COMPLETED	NOTES
1	COMPLETED PUNCH LIST		
2	CERTIFICATE OF SUBSTANTIAL COMPLETION		
3	NOTIFICATION OF INSURANCE CHANGE OVER		
4	NOTIFICATION OF UTILITY METER READINGS		
5	FINAL KEY CHANGE OVER TO OWNER		
6	GENERAL CONTRACTOR DEMOBILIZATION		
7	CERTIFICATE OF OCCUPANCY		
8	GENERAL CONSTRUCTION AND O&M MANUALS		
9	AS-BUILT DRAWINGS		
10	MECHANICAL CLOSE-OUT REQUIREMENTS		
11	ELECTRICAL CLOSE-OUT REQUIREMENTS		
12	EXTRA STOCK AS PER SPECIFICATIONS		
13	REVIEW CHANGE ORDER REQUESTS		
14	CONSENT OF SURETY TO FINAL PAYMENT		
15	CERTIFICATE OF ASBESTOS-FREE PRODUCTS		
16	FINAL PAY REQUEST		
17	A NEBRASKA STATE FIRE MARSHAL OCCUPANCY CERTIFICATE		
18	NEBRASKA ELECTRICAL INSPECTOR OCCUPANCY CERTIFICATE		
19	COMMISSIONER OF LABOR UNEMPLOYMENT COMPENSATION FUND CERTIFICATION		
20	OTHER:		
21	OTHER:		

Prepared by (Written): _____

Signature: _____

Title: _____

SUBMITTAL TRANSMITTAL

Nebraska Department of Transportation

5001 S 14th St
PO Box 94759
Lincoln NE 68509-4759

ofc: (402) 479-3746
fax: (402) 479-3902

dot.nebraska.gov

Project Name: _____

Building No.: _____

NDOT Project No.: _____

From: _____

(Contractor)

(Street Address or P.O. Box)

(City, State and Zip Code)

Submittal No.: _____

(If Resubmittal, No. above is original
Submittal No. plus suffix; a, b, c, etc.)

Date: _____

1st Submittal

Resubmittal

Contractor shall fill in cells 1 through 5 for each submitted item. List each Drawing, Data Item or Sample separately.

1. Specification Section and Part No.	2. Item Description	3. Manufacturer or Supplier	4. Quantity	5. Sample (Mark X)	6. Action Taken

SUBMITTED BY: _____
(Written)

Date: _____

Signature: _____

Space Below for Architect Use Only.

Our review is for general compliance with the design concept and contract documents. This review, with or without markings or comments, does not relieve the contractor of his responsibility for the requirements of the contract documents or deviations there from.

The above data has been reviewed in accordance with the provisions of the Project Specifications and is returned with action designated above in accordance with the following legend:

A. No Exceptions Taken
D. Rejected

B. Make Corrections Noted
E. Submit Specified Item

C. Revise and Resubmit
F. Action Not Required

Remarks: _____

Reviewed By: _____
(Signature)

Date: _____

Distribution Information:

Architect

Contractor

Owner File/Copy

Other

Glossary of Terms

901 Program – This is the NIS program code for the Capital Facility Program for Agency 27

Allotment – Part of an appropriation, which may be expended from the fiscal year operating budget. It represents funds established and approved by expenditure accounts and programs for the current fiscal year.

Appropriation – An authorization granted by the Legislature to make expenditures and to incur obligations for specific purposes, i.e. programs and expenditure accounts.

Acquisition – ACQUISITION OR TAKING The process of obtaining right of way. (AASHTO)

AS/SBD – Nebraska Administrative Services Agency, State Building Division.

Asset Value – The accumulated costs for the complete construction of a specific project not to exceed the appropriation amount granted by the Legislature.

Authority for Expenditures (AFE) – An AFE is an alphanumeric number which is assigned and used as an accounting tool to collect costs of a specific activity for a project.

Intelligence in numbering for an I, K, and/or Q AFE – The first position (letter) determines the type of project / operations that will be completed. The following three numbers, first number identifies the District (0-8) and the last two identify a sequence number.

Budget – A plan of financial operation expressing an estimate of proposed expenditures for a given period (fiscal year), and the proposed means of financing the expenditures.

Building Number Intelligence - The building number is a five digit number. The first position identifies the district the building is in. The second and third positions identify the site the building is located at. The fourth and fifth positions identify the building within the site.

Building Commissioning – A systematic and documented process of ensuring that the owner's operational needs are met, building systems perform efficiently, and building operators are properly trained.

Comprehensive Capital Facilities Plan – A document, which develops the long-range plans for making the Department of Roads' Capital Facilities completely functional for a state use.

Construction Project – New building or facilities, additions to existing buildings, and remodeling or renovation of existing buildings.

Demolish – To physically deconstruct, tear down, raze, or destroy a building or facility.

Disposition – The act or the power of disposing or the state of being disposed.

DOR-OI 80-07 CAP-FAC MAINTENANCE PROJECTS – NDOR Operating Instruction To provide policy for capital facilities building and site maintenance or repair projects. Policy includes guidelines for formal and informal bidding and funding thresholds as they relate to "I" projects.

Encumbrance – An obligation or commitment in the form of a purchase order, contract, or agreement that may, or may not be liquidated during the fiscal year. An encumbrance ceases to exist when payment is made.

Expenditure – A cost transaction through the cost accounting system, which normally reduces a budgeted allotment.

Facility – Any single or group of projects constructed on a site (parcel of land) to make the site functional for its intended use. (i.e. maintenance, construction, rest area, weight station, storage, etc.)

Fiscal Year – A twelve-month period of time (July 1 – June 30) to which the annual budget applies and at the end of which the Department determines its financial position and the results of its operations.

“I” AFE Project - Facility maintenance and improvement projects of existing structures whose construction, equipment and development cost in conformance with DOR-OI 80-07 CAP-FAC MAINTENANCE PROJECTS.

Insurance Value – This is a value that is assigned to each capital facility asset and reported to Administrative Services - Risk Management for insurance coverage. This value is revised yearly by an inflationary percentage which is established by Administrative Services - Risk Management. Any capital facility asset which is equal to or under the current insurance deductible amount will have an insurance value of zero.

“K” AFE Project – All projects whose construction, equipment and development costs (including land purchases) are related to new structures or for changes or renovations to existing facilities if the work is estimated to cost in conformance with applicable state statutes, currently \$100,000 per State Statute 39-1355.

Lease – A contract, written or oral, for the possession of lands and tenements and/or recompense of rent or other income. It is a contract by which one person divests himself/herself of real property and another person takes possession thereof for a determinable and limited time, though not necessarily a definite period of time.

Liquidation – The payment of a purchase order, contract, or agreement, which eliminates the encumbered amount and initiates an expenditure.

Local Public Agencies (LPA) – The local City, County, School District, and political subdivisions.

Needs Statement – A document which develops the data supplied by the District / Division into a detailed Facility / Project request for each capital facilities project. Reference the AS/SBD “Procedural Manual for Capital Construction Projects” for further detail.

Planned Work –

Project – Scheduled remodeling, repair, or restoration work to improve the utility of an asset.

Preventive Maintenance – Scheduled routine maintenance work performed on an asset to maintain its value and level of performance.

Program Statement – A document which develops the data supplied by the District / Division needs statement, into a detailed Facility / Project request. A Program Statement must be submitted to the Legislature for each project exceeding \$100,000 in costs. Refer to the AS/SBD “Procedural Manual for Capital Construction Projects” for further detail.

Procurement (procuring) – The act of purchasing goods and services from vendors through established processes. The processes include: Quotes, informal bids, Request for Proposal (RFP) and formal bid.

“Q” AFE Project – Used to accumulate the development, design, and land acquisition costs prior to legislative approval for new sites, buildings, and/or projects. Also used for land or building acquisitions through the ROW Division.

“QK” Agreement – Used to accumulate the costs associated with the engineering and architectural design of capital facility construction and maintenance projects. A capital facility project may have more than one “QK” Agreement assigned to it.

Intelligence in numbering a “QK” Agreement – The “QK” number is an alphanumeric 6 or 7 digit identifier assigned by the Planning & Project Development Division. The first position identifies the office of primary responsibility, the second position identifies the agreement type, the third and fourth positions identify the year the agreement is written, the fifth and sixth positions identify a sequence number and the seventh position, if used identifies a supplemental agreement.

Rehabilitation – The remodeling or otherwise improving of run-down or out-of-date building. A building that has been rehabilitated is sometimes called a “rehab”.

Renovation – To repair or remodel a building to a like-new condition and generally meaning a greater degree of improvement than rehabilitation, but less than restoration.

Repairs, minor – Minor repairs are funded from the requesting District’s operating budget; refer to DOR-OI 80-7.

Replacement Value – The current cost to replace the capital facility asset. This value is figured by using the current estimated industry construction value for each construction type.

Restoration – Repairing or remodeling a building to its original appearance, usually referring to the preservation of historical buildings.

Retire – To sell, lease, relocate, dispose of, demolish, or otherwise no longer physically maintain and own a building or facility.

Site Number Intelligence – The site number is a five digit number. The first position identifies the district where the site is located. The second and third positions identify the site location in the district. The fourth and fifth positions should be zero’s.

Total Project Cost – The calculated dollar amount for the complete construction of a specific project, including drafting and design costs, contingency, materials and all labor costs, whether department forces or donated labor or materials, and cost of new fixed or moveable equipment and furnishings installed.

Unplanned Work –

Repair – Work performed on an asset as a result of an unanticipated cause. i.e. weather, equipment failure/breakdown, fire, accident, etc.

Works of Art – All forms of original creations of visual art including sculpture, painting, graphic arts, printmaking, drawing, mosaic, photography, crafts, calligraphy and mixed media as approved by the Nebraska Arts Council.

Yard – Land owned or leased by the Department of Roads and used to support maintenance and construction of the highway infrastructure.

SECTION 01001

SPECIFICATION SECTION TITLE



PART 1 GENERAL

1.1 Basic Specification Page Layout

A. Summary:

1. All specification pages shall follow this guidance document.
2. All text shall be Arial font.
3. Body text shall be font size 10.
4. All Sections shall be outline numbered utilizing CSI MasterFormat 2004.
5. Spacing between Outline Numbering should be 12 pt.
6. All pages shall be "book matched" such that page numbers are placed in their respective lower left-hand and right-hand corners.
7. Specifications shall be delivered as printed double sided copies and electronically separated by specification section.

B. Page Setup:

- | | |
|----------------------------|------|
| 1. Top Margin: | 1.0" |
| 2. Bottom Margin: | 1.0" |
| 3. Left (Bound) Margin: | 1.0" |
| 4. Right (unbound) Margin: | 0.5" |
| 5. Header: | 0.5" |
| 6. Footer: | 0.5" |

C. Header Text:

1. Architect's or Engineers Firm name (Professional Firm Name) shall be placed in the upper left-hand or right-hand corner of the page (see this document for example).
2. Architect's or Engineers Firm name (Professional Firm Name) shall be placed on the specification sections they are responsible for and subsequently stamping.
3. Architect's or Engineers Project Number shall be placed directly below the Professional Firm Name.
4. Firm name shall be Arial font, size 10, bold.
5. Project number shall be Arial font, size 8.

D. Footer Text:

1. Footer text shall include NDOR Project Name NDOR Building Number, NDOR Project Number, Specification Section Title and Specification Section number with page number (see this document for example).
2. NDOR Project Name and Specification Section Title shall be Arial font, size 10, bold.
3. Project Name shall be written with "NDOR" in all capital letters hyphenated to "Project Name" written with the first letter of each word capitalized.
4. "SPECIFICATION SECTION TITLE" shall be written in all capital letters.
5. NDOR Building Number shall be provided by NDOR and shall be written in Arial font, size 8.

Professional Firm Name

Project No.: XXXXX

- 6. NDOR Project Number shall be provided by NDOR and shall be written in Arial font, size 8.
- 7. Specification number shall be the specification number for the applicable section hyphenated to the page number written in Arial font, size 9, bold.

E. Paragraph Formatting or Body Text Formatting:

- 1. Section Headers shall be Arial Font, size 10, bold.
- 2. No spaces between sub-outline numbering. Place one space between section header and sub-outline.
- 3. When specification sections total an odd number of pages an additional page shall be placed at the end of the section with the statement "This Page Left Intentionally Blank" centered both vertically and horizontally, Arial Font, size 10, bold.

F. Summary:

- 1. This document is provided as guidance for development and prescriptive requirements for production of Nebraska Department of Roads (NDOR) Capital Facilities Projects.
- 2. The directives and parameters set forth herein are to be used on all specification sections submitted to the NDOR Capital Facilities.
- 3. These directives and parameters are set forth by NDOR Capital Facilities and may be changed, altered, or modified by NDOR Capital Facilities at any time and for any reason.
- 4. Prior to any modification to the information provided herein, expressed written permission must be obtained from NDOR Capital Facilities.
- 5. NDOR requires the reviewing and responsible Architect or Engineer seal and sign the first page of the first section and last page of the last consecutive specification section under their purview. NDOR defines this practice as "bracketing". If the Consultant is responsible for only one specification section then they should seal and sign the first and last page of that section only. The responsibility for seals shall be broken into, but not limited to the following disciplines: Architect, Landscape Architect, Structural Engineer, Civil Engineer, Mechanical Engineer, and Electrical Engineer. If a Landscape Architect is employed they should also be consulted and seals provided accordingly.
- 6. NDOR Capital Facilities also requires compliance with Nebraska State Statute 81-3401 to 81-3454 inclusive, as statute relates to any and all projects and submittals requiring stamping and sealing.

PART 2 PRODUCTS

Not Used.

PART 3 EXECUTION

Not Used.

END OF SECTION



For NDOR use: Updated July 20, 2006
 Updated September 18, 2007
 Updated July, 26, 2010

SPECIFICATION SECTION TITLE
 01001 - 2

NDOR – Project Name
 NDOR Bldg. No.: XXXXX
 NDOR Project Number

**Nebraska Department of Roads
Capital Facilities
Statue Index**

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1) 13-1612 Political subdivision, defined.

Political subdivision shall include villages, cities, counties, school districts, public power districts, community colleges, natural resources districts, and all other units of local government.

Source

1. Laws 1991, LB 167, § 12.

2a) 39-1320 State highway purposes; acquisition of property; eminent domain; purposes enumerated.

- (1) The Department of Roads is hereby authorized to acquire, either temporarily or permanently, lands, real or personal property or any interests therein, or any easements deemed to be necessary or desirable for present or future state highway purposes by gift, agreement, purchase, exchange, condemnation, or otherwise. Such lands or real property may be acquired in fee simple or in any lesser estate. It is the intention of the Legislature that all property leased or purchased from the owner shall receive a fair price.
- (2) State highway purposes, as referred to in subsection (1) of this section or otherwise in sections 39-1301 to 39-1362, shall include provision for, but shall not be limited to, the following:
 - (a) The construction, reconstruction, relocation, improvement, and maintenance of the state highway system.
The right-of-way for such highways shall be of such width as is deemed necessary by the department;
 - (b) Adequate drainage in connection with any highway, cuts, fills, or channel changes and the maintenance thereof;
 - (c) Controlled-access facilities, including air, light, view, and frontage and service roads to highways;
 - (d) Weighing stations, shops, storage buildings and yards, and road maintenance or construction sites;
 - (e) Road material sites, sites for the manufacture of road materials, and access roads to such sites;
 - (f) The preservation of objects of attraction or scenic value adjacent to, along, or in close proximity to highways and the culture of trees and flora which may increase the scenic beauty of such highways;
 - (g) Roadside areas or parks adjacent to or near any highway;
 - (h) The exchange of property for other property to be used for rights-of-way or other purposes set forth in subsection (1) or (2) of this section if the interests of the state will be served and acquisition costs thereby reduced;
 - (i) The maintenance of an unobstructed view of any portion of a highway so as to promote the safety of the traveling public;
 - (j) The construction and maintenance of stock trails and cattle passes;
 - (k) The erection and maintenance of marking and warning signs and traffic signals;
 - (l) The construction and maintenance of sidewalks and highway illumination;
 - (m) The control of outdoor advertising which is visible from the nearest edge of the right-of-way of the Highway Beautification Control System as defined in section 39-201.01 to comply with the provisions of 23 U.S.C. 131, as amended;
 - (n) The relocation of or giving assistance in the relocation of individuals, families, businesses, or farm operations occupying premises acquired for state highway or federal-aid road purposes; and
 - (o) The establishment and maintenance of wetlands to replace or to mitigate damage to wetlands affected by highway construction, reconstruction, or maintenance. The replacement lands shall be capable of being used to create wetlands comparable to the wetlands area affected. The area of the replacement lands may exceed the wetlands area affected. Lands may be acquired to establish a large or composite wetlands area, sometimes called a wetlands bank, not larger than an area which is one hundred fifty percent of the lands reasonably expected to be necessary for the mitigation of future impact on wetlands brought about by highway construction, reconstruction, or maintenance during the six-year plan as required by sections 39-2115 to 39-2117, an annual plan under section 39-2119, or an annual metropolitan transportation improvement program under section 39-2119.01 in effect upon acquisition of the lands. For purposes of this section, wetlands shall have the definition found in 33 C.F.R. 328.3(b).
- (3) The procedure to condemn property authorized by subsection (1) of this section or elsewhere in sections 39-1301 to 39-1362 shall be exercised in the manner set forth in sections 76-704 to 76-724 or as provided by section 39-1323, as the case may be.

2b) 39-1322 Acquisition of additional property; buildings; exchange or replacement of property.

The department may acquire additional real property by gift, agreement, purchase, exchange, or condemnation if such additional real property is needed for the purpose of moving and establishing thereon buildings, structures, or other appurtenances which are situated on real property required by the department for highway purposes. When found to be in the public interest, the department is authorized to provide replacement real property, either lands or facilities, or both, for property in public ownership acquired as a result of a highway or highway-related project which will provide equivalent utility, for that acquired for the project. The department shall have authority to make agreements for the exchange of property, to make allowances for differences in the value of the properties being exchanged, and to move or pay the cost of moving buildings, structures, or other appurtenances.

Source

1. Laws 1955, c. 148, § 22, p. 427;
2. Laws 1979, LB 568, § 1.

3) 39-1325 Real property; power of Department of Roads to sell and convey excess.

The department shall have the authority to sell and convey, with the approval of the Governor, any part of or any interest in real property held by the department which is no longer deemed necessary or desirable for highway purposes. The sale or conveyance of such real property shall be in such manner as will best serve the interests of the state and will most adequately conserve highway funds.

Source

1. Laws 1955, c. 148, § 25, p. 428.

4) 39-1326 Real property; sale, deed; bill of sale; execution; conditions; disposition of proceeds.

The Director-State Engineer, for the department, and in the name of the State of Nebraska, may execute, acknowledge, seal, and deliver all deeds, bills of sale, and other instruments necessary and proper to carry out the sale and exchange of real property. Such deeds, bills of sale, and other instruments shall have affixed thereto the seal of the department. The deeds, bills of sale, and other instruments may contain any conditions, covenants, exceptions, and reservations which the department deems are in the public interest or may convey title in fee simple absolute. All money received from the sale of such property shall be deposited in the state treasury and credited to the Highway Cash Fund.

Source

1. Laws 1955, c. 148, § 26, p. 429;
2. Laws 1986, LB 599, § 6.

5) 39-1343 State highway system; Department of Roads; emergencies; powers.

When, in the opinion of the department, an emergency or unusual condition exists requiring immediate action in order to preserve, continue, open, reopen, or provide for safe conditions on a fragment, portion, or route on the state highway system, the department may make necessary repairs, provide necessary equipment or services, or may contract for such repairs, equipment, or services without calling for competitive bids.

Source

1. Laws 1955, c. 148, § 43, p. 437.

6) 39-1355 Equipment; office accommodations; storage buildings; department's authority and responsibility; limitations.

The department shall have authority to purchase, lease, employ, or acquire by other means, all needed road materials, machinery, equipment, supplies, services, and labor necessary for the construction, reconstruction, maintenance, and control of the state highway system and all tools and materials necessary to keep such machinery and equipment in repair. The department shall also have authority to lease, purchase, construct, or cause to be constructed, buildings for office accommodations, which are necessary in the administration of the duties of the department, and buildings for the storing and housing of materials, machinery, equipment, and supplies; PROVIDED, that the department may not construct or cause to be constructed any building exceeding a cost of one hundred thousand dollars without the consent of the Legislature. The maintenance, protection, and control of the materials, machinery, equipment, supplies, tools, and buildings shall be under the authority and responsibility of the department.

Source

1. Laws 1955, c. 148, § 55, p. 441.

7) 39-1356 Road materials; equipment; acquisition; manufacture; powers.

The department may purchase, lease, construct, or otherwise acquire and may maintain all necessary equipment, machinery, supplies, buildings, and other essential items and employ the necessary labor to remove road materials from the land, to prepare the materials for use, and to manufacture the materials into roadmaking products. The department may sell any surplus of materials or products to any political or governmental subdivision or public corporation of this state or to any contractor who will use such materials or products exclusively for building or maintaining roads, streets, alleys, or structures of a political or governmental subdivision or public corporation of this state. The funds received from the sale of the road materials or products shall be paid into the state treasury and credited to the Highway Cash Fund.

Source

1. Laws 1955, c. 148, § 56, p. 441;
2. Laws 1986, LB 599, § 9.

8) 71-6401 Act, how cited.

Sections 71-6401 to 71-6407 shall be known and may be cited as the Building Construction Act.

Source

1. Laws 1987, LB 227, § 1.

9) 71-6402 Purpose of act.

It is the purpose of the Building Construction Act to:

- (1) Adopt a state building code to govern the construction, reconstruction, alteration, and repair of buildings and other structures within Nebraska;
- (2) Provide state standards to safeguard life, health, property, and the public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, and maintenance of buildings and structures within this state; and
- (3) Provide for the use of modern and innovative methods, devices, materials, and techniques in the design and construction of buildings and other structures.

Source

1. Laws 1987, LB 227, § 2.

10) 71-6403 State building code; adopted; amendments.

- (1) There is hereby created the state building code. The Legislature hereby adopts by reference:
- (a) The International Building Code (IBC), 2000 edition, published by the International Code Council;
 - (b) The International Residential Code (IRC), 2000 edition, published by the International Code Council;
 - and
 - (c) The Uniform Code for Building Conservation.
- (2) The codes adopted by reference in subsection (1) of this section shall constitute the state building code except as amended pursuant to the Building Construction Act or as otherwise authorized by state law.
- (3) Whenever a new edition of the codes adopted in subsection (1) of this section is published, such new edition shall be considered the state building code.

Source

- 1. Laws 1987, LB 227, § 3;
- 2. Laws 1993, LB 319, § 1;
- 3. Laws 1996, LB 1304, § 4;
- 4. Laws 2003, LB 643, § 1.

11) 71-6404 State building code; applicability.

The state building code shall be the building and construction standard within the state and shall be applicable:

- (1) To all buildings and structures owned by the state or any state agency; and
- (2) In each political subdivision which elects to adopt the state building code.

Source

- 1. Laws 1987, LB 227, § 4;
- 2. Laws 1993, LB 319, § 2.

12) 71-6405 State building code; compliance required; amendment by state agency.

All state agencies, including all state constitutional offices, state administrative departments, and state boards and commissions, the University of Nebraska, and the Nebraska state colleges, shall comply with the state building code. No state agency may adopt, promulgate, or enforce any rule or regulation in conflict with the state building code unless otherwise specifically authorized by statute to adopt or enforce a building or construction code other than the state building code. Nothing in the Building Construction Act shall authorize any state agency to apply such act to manufactured homes or recreational vehicles regulated by the Uniform Standard Code for Manufactured Homes and Recreational Vehicles or to modular housing units regulated by the Nebraska Uniform Standards for Modular Housing Units Act. A state agency may, by rule or regulation, amend the state building code by adopting any supplement, new edition, or appendix of the International Building Code (IBC), 2000 edition, International Residential Code (IRC), 2000 edition, or the Uniform Code for Building Conservation referred to in section 71-6403, except that all amendments shall be approved in advance by the Director of Administrative Services. Amendments to the state building code may also include variations from the code which will reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within the state.

Source

- 1. Laws 1987, LB 227, § 5;
- 2. Laws 1993, LB 319, § 3;
- 3. Laws 1996, LB 1304, § 5;
- 4. Laws 2003, LB 643, § 2.

Cross References

Nebraska Uniform Standards for Modular Housing Units Act, see section 71-1555.

Uniform Standard Code for Manufactured Homes and Recreational Vehicles, see section 71-4601.

13) 71-6406 Political subdivision; building code; adopt; amend; enforce.

(1) Any political subdivision (*see definition by statute 13-1612*) may enact, administer, or enforce a local building or construction code if or as long as such political subdivision adopts the state building code. The political subdivision shall regularly update its code. For purposes of this section, a code shall be deemed to be regularly updated if the most recent edition is adopted by the political subdivision within two years after the publication date of the edition. No political subdivision may adopt or enforce a local building or construction code other than as provided by this section.

(2) A political subdivision may amend its local building or construction code if the amendment:

- (a) Conforms generally with the state building code;
- (b) Adopts a special or differing building standard to reduce unnecessary costs of construction, increase safety, durability, or efficiency, or address special local conditions within its jurisdiction; or
- (c) Adopts any supplement, new edition, or appendix.

(3) A political subdivision may adopt and promulgate amendments for the proper administration and enforcement of its local building or construction code including organization of enforcement, qualifications of staff members, examination of plans, inspections, appeals, permits, and fees. Any amendment adopted pursuant to this section shall be published separately from the local building or construction code. Fees, if any, for services which monitor a builder's application of codes shall be negotiable between the political subdivisions involved, but such fees shall not exceed the actual expenses incurred by the political subdivision doing the monitoring.

(4) Notwithstanding the provisions of the Building Construction Act, a public building of a political subdivision shall be built in accordance with the applicable local building or construction code.

Source

1. Laws 1987, LB 227, § 6;
2. Laws 1993, LB 319, § 4.

14) 71-6407 Construction of act.

Nothing in the Building Construction Act shall be construed to authorize any state agency or political subdivision to regulate the construction of farm buildings or other buildings or structures when such regulation is otherwise prohibited by law. Nothing in the act shall be construed to authorize any state agency or political subdivision to have any authority either to establish or to continue in effect, with respect to any manufactured home built pursuant to the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401 to 5426, any standard regarding construction or safety which is not identical to standards promulgated by the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401 to 5426, and the regulations promulgated by the United States Department of Housing and Urban Development under the federal law when there is in effect a standard of the National Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401 to 5426, or the regulations applicable to the same aspect of performance of such manufactured home.

Source

1. Laws 1987, LB 227, § 7;
2. Laws 1994, LB 511, § 7.

15) 72-801 Public buildings; cost; limitation; use; change prohibited.

Any public building that is erected or repaired and for which an appropriation is made by the Legislature shall be constructed or repaired in a complete manner within the limits of such appropriation. Except as provided in sections 72-811 to 72-818 (*Does not apply to NDOR, see 72-817*) and 79-11,109 (*Does not apply to NDOR*), no building shall be changed or diverted from the use or purpose, kind, or class of building from that for which the appropriation was originally made.

Source

1. Laws 1911, c. 131, § 1, p. 441;
2. R.S.1913, § 5891;
3. C.S.1922, § 5258;
4. C.S.1929, § 72-1001;
5. R.S.1943, § 72-801;
6. Laws 1973, LB 547, § 1;
7. Laws 1992, LB 1241, § 4;
8. Laws 1995, LB 567, § 2;
9. Laws 1996, LB 900, § 1059;
10. Laws 1998, Spec. Sess., LB 1, § 5;
11. Laws 1999, LB 813, § 4.

16) 72-802 Public buildings; plans and specifications; limitations; bids; appropriations; limit; exceptions; violation; penalty.

Any officer or board charged with the general supervision of the erection and repair of the public buildings belonging to the state shall prepare or have prepared plans and specifications of the building to be erected or repaired, and such plans shall be prepared in such a manner that the completed building, landscaping, and parking facilities, including the cost of equipment and fixtures necessary therefor, or the completed repair cost shall not exceed the amount authorized for that purpose. Construction may be commenced after contracts are awarded, but the obligation of the state in any biennium under such contracts shall not exceed the amount appropriated for that purpose in such biennium. When contracts are submitted to public bidding and a certain item is specified by trade name, make, or catalog number, a bid for the furnishing of an alternate item, equal thereto in the opinion of the architects and officers or board involved and submitted within the time limits set for receipt of bids, shall not be rejected solely on the basis that such item was not approved prior to the submission of bids. No officer, board, architect, superintendent, or contractor shall change any plan for any public building, for which an appropriation is made by the Legislature, so as to exceed such appropriation, and any officer, board, architect, superintendent, or contractor who violates any of the provisions of this section and section 72-801 shall be deemed guilty of a Class II misdemeanor.

Source

1. Laws 1911, c. 131, § 2, p. 442;
2. R.S.1913, § 5892;
3. C.S.1922, § 5259;
4. C.S.1929, § 72-1002;
5. R.S.1943, § 72-802;
6. Laws 1967, c. 470, § 1, p. 1463;
7. Laws 1973, LB 547, § 2;
8. Laws 1977, LB 39, § 180;
9. Laws 1986, LB 258, § 15.

17) 72-803 Public buildings; construction; improvement and repair; contracts; bidding; procedure; exceptions.

(1) The state and any department or agency thereof, subject to the powers of the state building division of the Department of Administrative Services, shall have general charge of the erection of new buildings which are being erected for such department or agency, the repair and improvement of buildings under the control of such

department or agency, including fire escapes, and the improvement of grounds under the control of such department or agency.

(2) Buildings and other improvements costing more than fifty thousand dollars shall be (a) constructed under the general charge of the department or agency as provided in subsection (1) of this section and (b) let by contract to the lowest responsible bidder after proper advertisement as set forth in subsection (4) of this section.

(3) The successful bidder at the letting shall enter into a contract with the department or agency, prepared as provided for by subsection (4) of this section, and shall furnish a bond for the faithful performance of his or her contract, except that a performance bond shall not be required for any project which has a total cost of one hundred thousand dollars or less unless the department or agency includes a bond requirement in the specifications for the project.

(4) When contracts are to be let by the department or agency as provided in subsection (2) of this section, advertisements shall be published in accordance with rules and regulations adopted and promulgated by the state building division stating that sealed proposals will be received by the department or agency at its office on the date therein stated for the furnishing of materials, the construction of buildings, or the making of repairs or improvements and that plans and specifications can be seen at the office of the department or agency. All bids or proposals shall be accompanied by a certified check or by a bid bond in a sum fixed by the department or agency and payable thereto. All such contracts shall be awarded to the lowest responsible bidder, but the right shall be reserved to reject any and all bids. Whenever any material described in any contract can be obtained from any state institution, the department or agency shall exclude it from such a contract.

Source

1. Laws 1990, LB 257, § 4;
2. Laws 1992, LB 1241, § 5;
3. Laws 1995, LB 530, § 1;
4. Laws 2007, LB256, § 1.

18) 72-804 New state building; code requirements.

(1) Any new state building shall meet or exceed the requirements of the 2003 International Energy Conservation Code.

(2) Any new lighting, heating, cooling, ventilating, or water heating equipment or controls in a state-owned building and any new building envelope components installed in a state-owned building shall meet or exceed the requirements of the 2003 International Energy Conservation Code.

(3) The State Building Administrator of the Department of Administrative Services, in consultation with the State Energy Office, may specify:

- (a) A more recent edition of the International Energy Conservation Code;
- (b) Additional energy efficiency or renewable energy requirements for buildings; and
- (c) Waivers of specific requirements which are demonstrated through life-cycle cost analysis to not be in the state's best interest. The agency receiving the funding shall be required to provide a life-cycle cost analysis to the State Building Administrator.

Source

Laws 1999, LB 755, § 1;
Laws 2003, LB 643, § 3;
Laws 2004, LB 888, § 1.

19) 72-805 Buildings constructed with state funds; code requirements.

The 2003 International Energy Conservation Code applies to all new buildings constructed in whole or in part with state funds after July 1, 2005. The State Energy Office shall review building plans and specifications necessary to determine whether a building will meet the requirements of this section. The State Energy Office shall provide a copy of its review to the agency receiving funding. The agency receiving the funding shall verify that the building as constructed meets or exceeds the code. The verification shall be provided to the State Energy Office. The State Energy Office shall, in consultation with the State Building Administrator of the Department of Administrative Services, adopt and promulgate rules and regulations to carry out this section.

Source

Laws 1999, LB 755, § 2;
Laws 2004, LB 888, § 2.

20) 72-806 Enforcement.

The enforcement provisions of Chapter 1 of the 2003 International Energy Conservation Code shall not apply to buildings subject to section 72-804.

Source

Laws 1999, LB 755, § 3;
Laws 2003, LB 643, § 4;
Laws 2004, LB 888, § 3.

21) 72-808 Historic structure; legislative findings.

The Legislature finds that:

- (1) The preservation of historic structures will enrich life for Nebraska's citizens both today and for future generations;
- (2) Many historic structures are owned by the state; and
- (3) Efforts should be made by the state to identify, preserve, maintain, and restore such historic structures whenever possible.

Source

1. Laws 1986, LB 563, § 1.

22) 72-809 Historic structure; defined.

For purposes of sections 72-808 to 72-810, historic structure shall mean any building significant in American history or architecture on a local, state, or national level.

Source

1. Laws 1986, LB 563, § 2.

23) 72-810 Historic structure; alterations; requirements.

Improvements, alterations, or changes made by the state, its agencies, or departments on or to any historic structure owned by the State of Nebraska shall be in keeping with its historical or architectural significance. Such alterations shall be made according to standards set by the United States Department of the Interior. No alteration shall be made without review and comment by the State Historic Preservation Officer. If the state, its agencies, or departments do not agree with the review and comment of the officer, a final determination as to what action must be followed by the state shall be made by the Governor. A state agency or department shall only be required to comply with this section if it has been notified in writing by the officer that a particular structure is a historic structure.

Source

1. Laws 1986, LB 563, § 3;
2. Laws 1989, LB 18, § 5.

24) 72-817 Applicability of sections.

Sections 72-811 to 72-818 shall apply to every state agency except the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, and the Board of Educational Lands and Funds, except that any such agency may elect to include under such sections any building or land for which it has responsibility. Such sections shall not apply to interests in real property held by the Department of Roads.

Source

1. Laws 1988, LB 1143, § 7;
2. Laws 1990, LB 830, § 7;
3. Laws 1995, LB 567, § 6.

25) 73-101 Public lettings; how conducted.

Whenever the State of Nebraska, or any department or any agency thereof, any county board, county clerk, county highway superintendent, the mayor and city council or commissioner of any municipality, any entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act, or the officers of any school district, township, or other governmental subdivision, shall advertise for bids in pursuance of any statutes of the State of Nebraska, on any road contract work or any public improvements work, or for supplies, construction, repairs, and improvements, and in all other cases where bids for supplies or work, of any character whatsoever, are received for the various departments and agencies of the state, and other subdivisions and agencies enumerated in this section, they shall fix not only the day upon which such bids shall be returned, received, or opened, as provided by other statutes, but shall also fix the hour at which such bids shall close, or be received or opened, and they shall also provide that such bids shall be immediately and simultaneously opened in the presence of the bidders, or representatives of the bidders, when the hour is reached for the bids to close. If bids are being opened on more than one contract, the officials having in charge the opening of such bids may, if they deem it advisable, award each contract as the bids are opened.

Source

1. Laws 1923, c. 131, § 1, p. 324;
2. C.S.1929, § 73-101;
3. Laws 1935, c. 145, § 1, p. 539;
4. C.S.Supp.,1941, § 73-101;
5. R.S.1943, § 73-101;
6. Laws 1959, c. 181, § 18, p. 662;
7. Laws 1999, LB 87, § 84.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Annotations

City ordinance requiring payment of minimum wage on public contracts did not implement statute. *Philson v. City of Omaha*, 167 Neb. 360, 93 N.W.2d 13 (1958).

26) 73-101.01 Resident bidder, defined; preference.

When a public contract is to be awarded to the lowest responsible bidder, a resident bidder shall be allowed a preference over a nonresident bidder from a state which gives or requires a preference to bidders from that state. The preference shall be equal to the preference given or required by the state of the nonresident bidder. Resident bidder as used in sections 73-101.01 and 73-101.02 shall mean any person, partnership, foreign or domestic limited liability company, association, or foreign or domestic corporation authorized to engage in business in the State of Nebraska and which has met the residency requirement of the state of the nonresident bidder necessary for receiving the benefit of that state's preference law on the date when any bid for a public contract is first advertised or announced or has had a bona fide establishment for doing business within this state for the length of time established by the state of the nonresident bidder necessary for receiving the benefit of that state's preference law on the date when any bid for a public contract is first advertised or announced. Any contract entered into without compliance with sections 73-101.01 and 73-101.02 shall be null and void.

Source

1. Laws 1967, c. 471, § 1, p. 1465;
2. Laws 1993, LB 121, § 462.

27) 73-101.02 Resident bidder; preference; exception.

The provisions of section 73-101.01 shall not apply to any contract for any project upon which federal funds would be withheld because of the provisions of sections 73-101.01 and 73-101.02.

Source

1. Laws 1967, c. 471, § 2, p. 1466.

28) 73-102 Fair labor standards; statement of compliance required.

All governing authorities of the State of Nebraska, and governmental subdivisions thereof, and every person acting as purchasing agent for the State of Nebraska, or any governmental subdivision thereof, shall, in awarding contracts for public works, require all contractors bidding on public works to file with such authority a statement that he is complying with, and will continue to comply with, fair labor standards in the pursuit of his business and in the execution of the contract on which he is bidding. The governing authorities shall also require to be written into each and every contract for public works, in addition to such other provisions as are necessary and prescribed by law, a provision that in the execution of such contract fair labor standards shall be maintained; PROVIDED, no agency or department of the State of Nebraska shall make any requirements, because of the provisions of sections 73-101 to 73-104, that will increase the cost to the state of merchandise, materials, supplies or services. This section shall not apply to such governing authorities that prescribe, in the terms of their contracts for public works, provisions governing the hours of labor, rates of pay, and conditions of employment.

Source

1. Laws 1939, c. 55, § 1, p. 227;
2. C.S.Supp.,1941, § 73-102;
3. R.S.1943, § 73-102.

Annotations

Fair Labor Standards Act is a general law of statewide application. *Niklaus v. Miller*, 159 Neb. 301, 66 N.W.2d 824 (1954).

29) 73-103 Fair labor standards; low bidder; disqualification.

A showing in a public hearing by interested parties, to the satisfaction of the awarding authority, that any contractor bidding upon public works, and having filed the statement as required by section 73-102, has not complied with fair labor standards in the pursuit of his business or occupation, shall be the basis for the disqualification of the low bid, in which case the awarding authority shall let the bid to the next lowest responsible bidder.

Source

1. Laws 1939, c. 55, § 2, p. 227;
2. C.S.Supp.,1941, § 73-103;
3. R.S.1943, § 73-103.

Annotations

Lowest money bid may not always constitute lowest responsible bid. Day v. City of Beatrice, 169 Neb. 858, 101 N.W.2d 481 (1960).

30) 73-104 Fair labor standards, defined.

Fair labor standards, as used in sections 73-102 and 73-103 shall be construed to mean such a scale of wages and conditions of employment as are paid and maintained by at least fifty percent of the contractors in the same business or field of endeavor as the contractor filing such statement.

Source

1. Laws 1939, c. 55, § 2, p. 227;
2. C.S.Supp.,1941, § 73-103;
3. R.S.1943, § 73-104.

Annotations

Provision for payment of a sum no less than going wage is a proper fair labor standard, while payment of fixed sum irrespective of going wage is not. Philson v. City of Omaha, 167 Neb. 360, 93 N.W.2d 13 (1958).
Home rule charter controlled contract for improvement of water system. Niklaus v. Miller, 159 Neb. 301, 66 N.W.2d 824 (1954).

31) 73-105 Violations; penalties.

Any officer or person who may be in charge of any such bids prior to the time fixed for the simultaneous opening, who shall open prior to such time, or otherwise disclose to any bidder the contents, amount or other details of any rival bid, shall be guilty of a Class IV misdemeanor. Any person violating any of the provisions of sections 73-101 to 73-104 shall be guilty of a Class IV misdemeanor.

Source

1. Laws 1923, c. 131, § 1, p. 324;
2. C.S.1929, § 73-101;
3. Laws 1935, c. 145, § 1, p. 539;
4. C.S.Supp.,1941, § 73-101;
5. R.S.1943, § 73-105;
6. Laws 1977, LB 39, § 181.

Annotations

Effect of penalty raised but not decided. Niklaus v. Miller, 159 Neb. 301, 66 N.W.2d 824 (1954).

32) 81-1108.15 State building division; functions and responsibilities; facilities planning, construction, and administration.

(1) Except as provided in the Nebraska State Capitol Preservation and Restoration Act, the division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities administration and shall adopt and promulgate rules and regulations to carry out this section.

(2) Facilities planning shall include the following responsibilities and duties:

- (a) To maintain utilization records of all state-owned, state-occupied, and vacant facilities;
- (b) To coordinate comprehensive capital facilities planning;

- (c) To define and review program statements based on space utilization standards;
- (d) To prepare or review planning and construction documents;
- (e) To develop and maintain time-cost schedules for capital construction projects;
- (f) To assist the Governor and the Legislative Fiscal Analyst in the preparation of the capital construction budget recommendations;
- (g) To maintain a complete inventory of all state-owned, state-occupied, and vacant sites and structures and to review the proposals for naming such sites and structures;
- (h) To determine space needs of all state agencies and establish space-allocation standards; and
- (i) To cause a state comprehensive capital facilities plan to be developed.

(3) Facilities construction shall include the following powers and duties:

- (a) To maintain close contact with and inspections of each project so as to assure execution of time-cost schedules and efficient contract performance if such project's total design and construction cost is more than fifty thousand dollars;
- (b) To perform final acceptance inspections and evaluations; and
- (c) To coordinate all change or modification orders and progress payment orders.

(4) Facilities administration shall include the following powers and duties:

- (a) To serve as state leasing administrator or agent for all facilities to be leased for use by the state and for all state-owned facilities to be rented to state agencies or other parties subject to section 81-1108.22. The division shall remit the proceeds from any rentals of state-owned facilities to the State Treasurer for credit to the State Building Revolving Fund and the State Building Renewal Assessment Fund;
- (b) To provide all maintenance, repairs, custodial duties, security, and administration for all buildings and grounds owned or leased by the State of Nebraska except as provided in subsections (5) and (6) of this section;
- (c) To be responsible for adequate parking and the designation of parking stalls or spaces, including access aisles, in offstreet parking facilities for the exclusive use of handicapped or disabled or temporarily handicapped or disabled persons pursuant to section 18-1737;
- (d) To ensure that all state-owned, state-occupied, and vacant facilities are maintained or utilized to their maximum capacity or to dispose of such facilities through lease, sale, or demolition;
- (e) To report annually to the Appropriations Committee of the Legislature and the Committee on Building Maintenance regarding the amount of property leased by the state and the availability of state-owned property for the needs of state agencies;
- (f) To report monthly time-cost data on projects to the Governor and the Clerk of the Legislature;
- (g) To administer the State Emergency Capital Construction Contingency Fund;
- (h) To submit status reports to the Governor and the Legislative Fiscal Analyst after each quarter of a construction project is completed detailing change orders and expenditures to date. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division; and
- (i) To submit a final report on each project to the Governor and the Legislative Fiscal Analyst. Such report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications and whether the construction complied with the related approved program statement. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division.

(5) Subdivisions (4)(b), (c), and (d) of this section shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) buildings and grounds owned or leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (c) buildings and grounds owned, leased, or operated by the Department of Correctional Services, (d) facilities to be leased for nonoffice use by the Department of Roads, (e) buildings or grounds owned or leased by the Game and Parks Commission if the application of such subdivisions to the buildings or grounds would result in ineligibility for or repayment of federal funding, (f) buildings or grounds of the state park system, state recreation areas, state historical parks, state wildlife management areas, or state recreational trails, or (g) other buildings or grounds owned or leased by the State of Nebraska which are specifically exempted by the division because the application of such subdivisions would result in the ineligibility for federal funding or would result in hardship on an

agency, board, or commission due to other exceptional or unusual circumstances, except that nothing in this subdivision shall prohibit the assessment of building rental depreciation charges to tenants of facilities owned by the state and under the direct control and maintenance of the division.

(6) Security for all buildings and grounds owned or leased by the State of Nebraska in Lincoln, Nebraska, except the buildings and grounds described in subsection (5) of this section, shall be the responsibility of the Nebraska State Patrol. The Nebraska State Patrol shall consult with the Governor, the Chief Justice, the Executive Board of the Legislative Council, and the State Capitol Administrator regarding security policy within the State Capitol and capitol grounds.

(7) Each member of the Legislature shall receive a copy of the reports required by subdivisions (4)(f), (h), and (i) of this section by making a request for them to the State Building Administrator. The information on such reports shall be submitted to the division by the agency responsible for the project.

Source

Laws 1974, LB 1048, § 6;
Laws 1976, LB 1006, § 9;
Laws 1979, LB 322, § 47;
Laws 1981, LB 381, § 19;
Laws 1987, LB 32, § 2;
Laws 1992, LB 1241, § 21;
Laws 1995, LB 530, § 5;
Laws 1998, LB 299, § 4;
Laws 2000, LB 1216, § 25;
Laws 2001, LB 666, § 2;
Laws 2001, LB 809, § 10;
Laws 2004, LB 439, § 18;
Laws 2004, LB 1092, § 8.

Cross References

Nebraska State Capitol Preservation and Restoration Act, see section 72-2201.

33) 81-1108.16 State Building Administrator; review program statements and contracts; file reports; contents; lease; approval of Department of Administrative Services.

(1) The administrator shall review program statements and contracts and file a written report on each program statement and contract reviewed pursuant to the provisions of section 81-1108.41. Such administrator shall file subsequent reviews and reports upon completion of the planning or design phase of the project indicating the compatibility of the project with capital construction plans, probable cost of the project, accepted cost standard, and the relationship of the project to the state comprehensive capital facilities plan and to other agency or departmental capital facilities pursuant to the provisions of section 81-1108.41.

(2) No contract for the leasing of real property shall be awarded without the approval of the Department of Administrative Services, and no such contract shall be awarded if:

- (a) There is state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the using agency's needs; or
- (b) It has not been arranged through the bidding process provided in rules and regulations adopted by the division. The rules and regulations shall be in accordance with sections 73-101, 81-1108.55, and 81-1108.56 and shall be otherwise consistent with sections 81-145 to 81-162 (*Applies to State Material Division*) to the greatest extent possible.

All contracts for purchases or leases shall be open to inspection by the Legislature during normal business hours.

Source

- 1. Laws 1974, LB 1048, § 7;

2. Laws 1975, LB 359, § 12;
3. Laws 1979, LB 322, § 48;
4. Laws 1981, LB 381, § 20;
5. Laws 1992, LB 1241, § 22;
6. Laws 1995, LB 530, § 6.

34) 81-1108.41 State comprehensive capital facilities plan; State Comprehensive Capital Facilities Planning Committee; program statement; appropriation for drawings and construction; contracts; approval; report; contents.

(1) The division shall cause a state comprehensive capital facilities plan to be developed. The plan shall project the state's facilities needs for a period of six years and shall be based on programmatic projections and input from each state agency. To aid in the development of the plan, the Governor shall appoint a State Comprehensive Capital Facilities Planning Committee with representatives from various state agencies. The committee shall develop and adopt comprehensive planning guidelines and a process of project prioritization. The state comprehensive capital facilities plan shall be submitted to the Committee on Building Maintenance for review before such plan shall be submitted to the Governor and the Legislative Fiscal Analyst on or before November 15 prior to the beginning of each biennium. The plan shall be based on priorities developed by the State Comprehensive Capital Facilities Planning Committee. The University of Nebraska and any Nebraska state college shall not be required to comply with or be subject to the provisions of this section since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

(2) An appropriation for drawings and construction may be made only after submission of an acceptable program statement on or before September 15 of the year previous to the initiation of such appropriation. Such program statement shall include, but not be limited to, (a) an assessment of the compatibility of the project with the state comprehensive capital facilities plan and the agency or departmental comprehensive capital facilities plan, (b) the identification of the impact of the project on the space utilization of other facilities under the control of the agency or department, and (c) the identification of the future impact on the agency or departmental programmatic needs, demand for utilities in excess of current capacity, parking needs, street and road needs, and site acquisition needs. Such program statement shall be submitted to the division and the Legislative Fiscal Analyst.

(3) No contract for the planning, design, or construction of a new facility or major modification or repair of an existing facility provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the Governor, the agency or department has submitted to the division a certificate from the Committee on Building Maintenance that there is no state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the agency's or department's needs, and the conditions of the contracts are approved in writing by the division, except that the provisions of this section shall not apply to projects when the total design and construction cost of the project is less than the limit established by the division. Such program statements and contracts shall be reviewed by the division.

(4) The division shall file a written report on each program statement and contract reviewed with the Governor and the Legislative Fiscal Analyst. This report shall cover the consistency of the project with the state comprehensive capital facilities plan and the agency or departmental comprehensive capital facilities plan. A subsequent review and report upon completion of the planning or design phase of the project shall indicate the compatibility of the project with the agency or departmental comprehensive capital facilities plan, compare the probable cost of the project with accepted cost standards for similar construction projects, and review the relationship of the project to other state agency or departmental capital facilities in the same complex.

Source

1. Laws 1969, c. 772, § 4, p. 2923;
2. R.R.S.1943, § 81-1108.06;
3. Laws 1974, LB 1048, § 34;
4. Laws 1976, LB 986, § 7;
5. Laws 1979, LB 38, § 1;

6. Laws 1981, LB 381, § 22;
7. Laws 1992, LB 1241, § 24;
8. Laws 1995, LB 530, § 14;
9. Laws 2000, LB 654, § 24.

Cross References

Committee on Building Maintenance, see section 81-185.

Coordinating Commission for Postsecondary Education, see Article VII, section 14, Constitution of Nebraska and section 85-1403.

Coordinating Commission for Postsecondary Education Act, see section 85-1401.

Annotations

These sections held not applicable to the Board of Regents which cannot delegate its constitutional powers and duties to other officers or agencies. *Board of Regents v. Exon*, 199 Neb. 146, 256 N.W.2d 330 (1977).

35) 81-1108.42 Contract for construction, reconstruction, remodeling, or repair of capital facility; final payment; conditions.

The Director of Administrative Services shall not issue his warrant for final payment for any contract for the construction, reconstruction, remodeling, or repair of any capital facility for any state agency or department unless there is on file in his office the certificate of a professional engineer or architect that, to the best of his knowledge, all work under the contract substantially conforms to the plans and specifications and that the contract has been fully and satisfactorily performed except for the making of the final payment.

Source

Laws 1969, c. 772, § 5, p. 2924;

R.R.S.1943, § 81-1108.07;

Laws 1974, LB 1048, § 35.

36) 81-1108.43 Capital construction project; prohibited acts; exceptions; warrant; when issued.

No state agency or department shall perform for itself any of the services normally performed by a professional engineer or architect in the preparation of plans and specifications for the construction, reconstruction, or alteration of any building or in the administration of the construction documents and final approval of the project when the total project cost is four hundred thousand dollars or more, and no state agency shall employ its own work force for any such construction, reconstruction, or alteration of capital facilities when the total project cost is fifty thousand dollars or more. The Department of Administrative Services shall adjust the dollar amounts in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

This section shall not apply to the Department of Roads or to any public power district, public power and irrigation district, irrigation district, or metropolitan utilities district. If, during the program statement review provided for under section 81-1108.41, it is determined that existing or standard plans and specifications are available or required for the project, the division may authorize an exemption from this section. The Director of Administrative Services shall not issue any warrant in payment for any work on a capital construction project unless the state agency or department files a certificate that it has complied with the provisions of this section.

Source

1. Laws 1969, c. 772, § 6, p. 2924;
2. R.R.S.1943, § 81-1108.08;
3. Laws 1974, LB 1048, § 36;
4. Laws 1979, LB 38, § 2;
5. Laws 1995, LB 530, § 15;

6. Laws 1997, LB 622, § 122;
7. Laws 1998, LB 1129, § 21;
8. Laws 2007, LB256, § 13.

37) 81-1108.54 State building division; purpose.

The purpose of the state building division is to provide centralized procurement, operation, maintenance, and management of office space and independent review, analysis, and oversight of capital construction projects to insure that the most appropriate facilities are provided for the efficient functioning of state government. It is the intent of the Legislature that the responsibility for state facilities be centralized within the division except for buildings and grounds exempted under subsection (5) of section 81-1108.15.

Source

1. Laws 1981, LB 381, § 37;
2. Laws 1995, LB 530, § 16.

38) 81-1108.55 Competitive bids; award to lowest responsible bidder; elements considered; procurement reports.

All purchases, leases, or contracts which by law are required to be based on competitive bids pursuant to section 81-1108.16 shall be made to the lowest responsible bidder, taking into consideration the best interests of the state, the quality or performance of the property proposed to be supplied, its conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest responsible bidder, in addition to price, the following elements shall be given consideration:

- (1) The ability, capacity, and skill of the bidder to perform the contract required;
 - (2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;
 - (3) Whether the bidder can perform the contract within the time specified;
 - (4) The quality of performance of previous contracts;
 - (5) The previous and existing compliance by the bidder with laws relating to the contract;
 - (6) The life-cost of the property in relation to the purchase price and specific use of the item;
 - (7) The performance of the property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;
 - (8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;
 - (9) The information furnished by each bidder, when deemed applicable by the State Building Administrator, concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis; and
 - (10) Such other information as may be secured having a bearing on the decision to award the contract.
- Reports regarding procurements made pursuant to this section shall be provided to the State Energy Office. Such reports shall be in the form and contain such information as the State Energy Office may require. All political subdivisions may follow the procurement principles set forth in this section if they are deemed applicable by the official authorized to make purchases for such political subdivision.

Source

1. Laws 1992, LB 1241, § 25.

39) 81-1108.56 State building division or employee; financial or beneficial personal interest forbidden; gifts and rebates prohibited; violations; penalty.

Neither the state building division nor any employee under its direction shall be financially interested, or have any beneficial personal interest, directly or indirectly, in the purchase or leasing of any real property nor in any firm, partnership, limited liability company, corporation, or association furnishing real property. No such person shall receive or accept directly or indirectly from any person, firm, limited liability company, or corporation submitting any bid or to whom a contract may be awarded, by rebate, gift, or otherwise, any money or other thing of value whatsoever, or any promise, obligation, or contract for future reward, or compensation. Any person who violates the provisions of this section shall be guilty of a Class IV felony and shall be subject to forfeiture of his or her office or position.

Source

1. Laws 1992, LB 1241, § 26;
2. Laws 1993, LB 121, § 537.

40) 81-1108.57 Centralization and coordination of real property; legislative intent.

It is the intent of the Legislature to centralize and coordinate the real property resources owned and leased by the state. Currently many state buildings are left vacant by agencies as new leases are signed and agencies' missions change. Without centralized authority and expertise to allocate, maintain, and renovate current buildings, the state will continue to lease more space from outside sources, thus increasing state expenditures. To facilitate the goal of centralized authority, the changes proposed by Laws 1992, LB 1241, are required.

Source

1. Laws 1992, LB 1241, § 1.

41) 81-1114 Department of Administrative Services; building division; powers, duties, and responsibilities.

The building division shall have the following powers, duties, and responsibilities:

(1) Shall prepare, for submittal to the Governor and to the office of the Legislative Fiscal Analyst, analyses of the cost of every desired land and building acquisition, new building construction, either underway or proposed, major repair or remodeling of new, newly acquired, or existing buildings, and each and every structural improvement to land, utilities, roads, walks, and parking lots, costing four hundred thousand dollars or more, but excluding right-of-way projects of the Department of Roads. The Department of Administrative Services shall adjust the dollar amount in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustment shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department;

(2) Shall record the relationship between the proposed capital facilities and the individual or departmental agencies' operating programs with particular attention to needs of immediate or future operations of the department or agency submitting such plan;

(3) Shall make recommendations to the Governor, the committee of the Legislature which shall from time to time have responsibility for preparing recommendations for appropriations, and the individual department or agency concerned, on the probable costs of such acquisition, construction, repair, or remodeling; and

(4) Shall require the submission by each department and agency of the state of copies of all written contracts for acquisition, construction, repair, or remodeling, including federal contracts, before such contracts are executed by the executive officer of the state authorized to execute such contracts, and shall maintain copies of such contracts on file for inspection by the Legislative Fiscal Analyst.

Source

1. Laws 1965, c. 538, § 14, p. 1699;
2. Laws 1967, c. 594, § 2, p. 2024;
3. Laws 1969, c. 804, § 8, p. 3036;
4. Laws 1981, LB 381, § 25;
5. Laws 1998, LB 1129, § 22;
6. Laws 2003, LB 410, § 10.

42) 81-1114.01 Capital construction project; plan required; contents; revisions required; when; to whom submitted.

Each department and agency of the state prior to submitting a capital construction project request in excess of four hundred thousand dollars (*currently \$540,000*) shall cause to be prepared a comprehensive capital facilities plan. Such plan shall include, but not be limited to, a projection of future programmatic needs, analysis of existing facilities and the utilization of such facilities, and identification of projects to meet those projected programmatic needs, including addition to, or renovation or replacement of, existing space, parking, streets, and utilities. The comprehensive capital facilities plan shall be updated or revised when a major capital construction project requested for funding is not in compliance with such plan or when revisions in projected programmatic needs would significantly affect the comprehensive capital facilities plan. Such plans and any updates or revisions shall be submitted to the state building division and the Legislative Fiscal Analyst. Such plans and revisions or updates shall be prepared in accordance with rules and regulations adopted and promulgated by the state building division. The Department of Administrative Services shall adjust the dollar amount in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustment shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

Source

1. Laws 1981, LB 381, § 26;
2. Laws 1998, LB 1129, § 23.

43) 81-1114.02 Capital construction project; state building division; review and comment.

Any state agency, prior to bidding a capital construction project with a total project cost exceeding the limit established by the Department of Administrative Services in accordance with section 81-1114.01, shall submit proposed construction documents to the state building division for review. The state building division shall review the construction documents and submit comments to the budget division, the Legislative Fiscal Analyst, and the affected agencies. Comments shall include identification of possible cost and design alternatives and a determination whether the construction documents are consistent with approved program statements. The state building division shall, by rules and regulations, establish the elements to be included in the construction documents. Comments and reviews of construction documents shall be completed within thirty days after such documents are submitted to the state building division. No funds shall be expended on actual construction until construction documents have been approved by the state building division. A copy of the approval or disapproval shall be forwarded to the requesting agency, the budget division, and the Legislative Fiscal Analyst.

Source

1. Laws 1981, LB 381, § 27;
2. Laws 2000, LB 654, § 25;
3. Laws 2004, LB 819, § 1.

44) 81-1712 Project; professional services required; notice; qualifications and performance data; statements; certification; procedures; Department of Administrative Services; adopt.

(1) Public notice shall be given by each agency, in a uniform and consistent manner, when professional services are required to be contracted for a project whose basic construction cost is estimated by the agency to be more than four hundred thousand dollars and for professional services when the estimated fee for such professional services exceeds forty thousand dollars, except in cases of public emergencies so certified by the agency head. The Department of Administrative Services shall adjust the dollar amounts in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department. The public notice shall include a general description of the project and shall indicate how interested firms can apply for consideration for such contract.

(2) Each agency shall encourage firms engaged in the lawful practice of their profession who desire to provide professional services to the agency to submit annually a statement of qualifications and performance data. The agency may request a firm to update the file statement before the anniversary date to reflect changed conditions of the firm.

(3) Any firm desiring to provide professional services to an agency must first be certified by the agency as qualified pursuant to law and the regulations of the agency. The agency shall make a finding that the firm to be employed is fully qualified to render the required service. Factors to be considered in making this finding shall include capabilities to perform, adequacy of personnel, past record and performance, and experience.

(4) The Department of Administrative Services shall, with the advice of each agency, adopt administrative procedures for the evaluation of professional services, including capabilities to perform, adequacy of personnel, past record and performance, experience, and such other factors as may be determined by the agency to be applicable to its particular requirements.

(5) The public shall not be excluded from the meetings or proceedings under this section in accordance with the Open Meetings Act.

Source

1. Laws 1978, LB 715, § 12;
2. Laws 1998, LB 1129, § 25;
3. Laws 2004, LB 821, § 33.

Cross References

Open Meetings Act, see section 84-1407.

45) 81-1713 Project; professional services; qualifications; agency; evaluation; selection; considerations.

(1) For each proposed project, the agency or a committee designated by the agency shall evaluate current statements of qualifications and performance data of firms as are on file with the agency, together with those that may be submitted by firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by no less than three firms, regarding their qualifications, approach to the project, and ability to furnish the required service.

(2) Any committee designated by the agency shall have among its membership at least one person whose profession represents that particular field of endeavor being considered.

(3) The agency or committee designated by the agency shall select, in order of preference, no less than three firms deemed to be most highly qualified to perform the required services after considering such factors as the ability of professional personnel, past performance, willingness to meet time and budget requirements, location, recent, current and projected workloads of the firms, and the volume of work previously awarded to the firm by the agency, with the object of effecting an equitable distribution of contracts among qualified firms, as long as such distribution does not violate the principle of selection of the most highly qualified firms.

(4) This section shall not apply to professional service contracts for (a) a project whose basic construction cost is estimated by the agency to be four hundred thousand dollars or less or (b) a planning or study activity when the estimated fee for professional services is forty thousand dollars or less. The Department of Administrative Services shall adjust the dollar amounts in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

Source

1. Laws 1978, LB 715, § 13;
2. Laws 1998, LB 1129, § 26.

46) 81-3445 State and political subdivisions; construction projects.

Except as otherwise provided in this section and sections 81-3449 and 81-3453, the state and its political subdivisions shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer. This section shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this section every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

Source

1. Laws 1997, LB 622, § 45;
2. Laws 1999, LB 253, § 2;
3. Laws 2004, LB 599, § 2;
4. Laws 2011, LB45, § 11.

47) 81-3449. Practice of architecture; exempted activities.

The provisions of the Engineers and Architects Regulation Act regulating the practice of architecture do not apply to the following activities:

- (1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet of above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B,

limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

- (4) Any public works project with contemplated expenditures for a completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;
- (5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;
- (6) The teaching, including research and service, of architectural subjects in a college or university offering a degree in architecture accredited by the National Architectural Accrediting Board;
- (7) The preparation of submissions to architects, building officials, or other regulating authorities by the manufacturer, supplier, or installer of any materials, assemblies, components, or equipment that describe or illustrate the use of such items, the preparation of any details or shop drawings required of the contractor by the terms of the construction documents, or the management of construction contracts by persons customarily engaged in contracting work;
- (8) The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged in the practice of architecture if such employees are acting under the direct supervision of an architect;
- (9) The offering by an organization of a combination of services involved in the practice of architecture and construction services if:
 - (a) An architect or person otherwise permitted under subdivision (11) of this section to offer architectural services participates substantially in all material aspects of the offering;
 - (b) There is written disclosure at the time of the offering that an architect is engaged by and contractually responsible to such organization;
 - (c) Such organization agrees that the architect will have direct supervision of the work and that such architect's services will not be terminated without the consent of the person engaging the organization; and
 - (d) The rendering of architectural services by such architect will conform to the Engineers and Architects Regulation Act and the rules and regulations;
- (10) A public service provider or an organization who employs a design professional performing professional services for itself;
- (11) A nonresident who holds the certification issued by the National Council of Architectural Registration Boards offering to render the professional services involved in the practice of architecture. The nonresident shall not perform any of the professional services involved in the practice of architecture until licensed as provided in the act. The nonresident shall notify the board in writing that (a) he or she holds a National Council of Architectural Registration Boards certificate and is not currently licensed in Nebraska but will be present in Nebraska for the purpose of offering to render architectural services, (b) he or she will deliver a copy of the notice to every potential client to whom the applicant offers to render architectural services, and (c) he or she promises to apply immediately to the board for licensure if selected as the architect for the project;
- (12) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of the respective profession, if such qualified member does not represent himself or herself to be practicing architecture and does not represent himself or herself to be an architect;
- (13) Financial institutions making disbursements of funds in connection with construction projects;
- (14) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality; and
- (15) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.

Source

1. Laws 1997, LB 622, § 49;
2. Laws 1999, LB 253, § 3;
3. Laws 1999, LB 440, § 1;
4. Laws 2000, LB 900, § 251;
5. Laws 2004, LB 599, § 3;
6. Laws 2011, LB45, § 14.

Cross References

Negotiated Rulemaking Act, see section 84-921.

48) 81-3453 Practice of engineering; exempted activities.

The provisions of the Engineers and Architects Regulation Act regulating the practice of engineering do not apply to the following activities:

- (1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage and if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;
- (4) Any public works project with contemplated expenditures for the completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;
- (5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;
- (6) The teaching, including research and service, of engineering subjects in a college or university offering an ABET-accredited engineering curriculum of four years or more;
- (7) A public service provider or an organization who employs a design professional performing professional services for itself;
- (8) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of such profession, if such qualified member does not represent himself or herself to be practicing engineering and does not represent himself or herself to be a professional engineer;
- (9) The offer to practice engineering by a person not a resident of and having no established place of business in this state if the person is legally qualified by licensure to practice engineering in his or her own state or country. The person shall make application to the board in writing and after payment of a fee established by

the board may be granted a temporary permit for a definite period of time not to exceed one year to do a specific job. No right to practice engineering accrues to such applicant with respect to any other work not set forth in the permit;

- (10) The work of an employee or a subordinate of a person holding a certificate of licensure under the act or an employee of a person practicing lawfully under subdivision (9) of this section if the work is done under the direct supervision of a person holding a certificate of licensure or a person practicing lawfully under such subdivision;
- (11) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;
- (12) Financial institutions making disbursements of funds in connection with construction projects;
- (13) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality;
- (14) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance;
- (15) Work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, which does not have a substantial impact upon public health, safety, and welfare, as determined by the board, or require the submission of reports or documents to public agencies;
- (16) The construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the owner thereof to be designed or supervised by an engineer or unless legal requirements are imposed upon the owner of a water well as a part of a public water supply;
- (17) Work performed in the exploration, development, and production of oil and gas or before the Nebraska Oil and Gas Conservation Commission; and
- (18) Siting, layout, construction, and reconstruction of a private onsite wastewater treatment system with a maximum flow from the facility of one thousand gallons of domestic wastewater per day if such system meets all of the conditions required pursuant to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act unless the siting, layout, construction, or reconstruction by an engineer is required by the Department of Environmental Quality, mandated by law or rules and regulations imposed upon the owner of the system, or required by the owner.

Source

1. Laws 1997, LB 622, § 53;
2. Laws 1999, LB 253, § 4;
3. Laws 1999, LB 440, § 2;
4. Laws 2000, LB 900, § 252;
5. Laws 2003, LB 94, § 19;
6. Laws 2004, LB 599, § 5;
7. Laws 2011, LB45, § 17.

Cross References

Negotiated Rulemaking Act, see section 84-921.

Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act, see section 81-15,236.

Capital Facilities Survey Request

GENERAL INSTRUCTIONS

1.1 ACCURACY STANDARDS:

1. Precision of the survey work shall be based on the positional Accuracy Concept. The Surveyor shall recommend in the proposal positional accuracy limits and error of closure limits for the property being surveyed.

1.2 DESCRIPTION PROVIDED BY OWNER OF PROPERTY TO BE SURVEYED:

1. Yard Name:
2. Yard Number:
3. Legal:
4. Common:
5. Property Name and Address:
6. Attach copies of most current NDOT ROW plat, yard layout (if available), and legal description:

1.3 DRAWING REQUIREMENTS:

1. Drawing sheets shall be trim size 22" x 34" with 1" left binding edge and ¼" borders
2. Use scale 1" = 20' unless otherwise authorized by Capital Facilities or the District Engineer. Include graphic scale.
3. Show NORTH arrow and locate NORTH at top of sheet.
4. Include legend of symbols and abbreviations used on the drawings.
5. Spot elevations on paving or other hard surfaces shall be to the nearest .05' (or ½"), on other surfaces to the nearest .10' (or 1").
6. Boundary and Topographical information, where both are required, shall be on the same drawing unless otherwise requested by Capital Facilities or the District Engineer.
7. State horizontal (NAD 83 (1995)) and elevation (NAVD 88) datum on each drawing.
8. Each drawing shall include NDOT yard and building numbers, as well as yard location.
9. Furnish to Capital Facilities one print of each fully executed drawing and one electronic copy (PDF). The Licensed Land Surveyor shall sign and seal each Boundary Survey drawing and shall certify that to the best of the surveyor's knowledge, information and belief all information thereon is true and accurately shown.
10. Furnish to Capital Facilities one print of each fully executed drawing and one electronic copy (PDF). The District Engineer and/or their designee shall sign and seal each Topographic and DTM Survey drawing and shall certify that to the best of the signor's knowledge, information and belief all information thereon is true and accurately shown.

1.4 ELECTRONIC (DATA) DRAWING REQUIREMENTS:

1. Drawing Submission of electronic survey data files, either completed by Total Station, GPS or both shall include the following data:
 - a. All raw data collector files.
 - b. All edited data collector files.
 - c. All processed survey data files.
 - d. All CADD files, eg. "Microstation/Geopak".

LAND (BOUNDARY) SURVEY REQUIREMENTS

2.1 NDOT PROVIDED REQUIREMENTS:

1. Set two Permanent Geodetic Control Points.
 - a. Collect state plane coordinates on NAD 83 (1995) datum.
 - b. Collect latitude, longitude, and elevation (NAVD 88) for each point. Coordinate control point locations with National Geodetic Survey requirements; provide control point locations to Capital Facilities.
2. Datum Adjustment Factor (DAF) or modified coordinates shall be calculated and provided by Roadway Design Survey Section.
3. Location and protection of Permanent Geodetic Control Points shall be made at the direction of the Roadway Design Geodetic Survey Section.

2.2 CONSULTANT PROVIDED REQUIREMENTS (ALL SURVEYS):

1. Show boundary lines, giving length and bearing (including reference or basis) on each straight line; interior angles; radius, point of tangency and length of curved lines. Where no monument exist, set permanent iron pin (monument) or other suitable permanent monument at property corners; drive pin into ground adequately to prevent movement, mark with wood stake; state on drawing(s) whether corners were found or set and describe each. Placement of permanent iron pin shall be coordinated with NDOT Capital Facilities and/or NDOT State Surveyor.
2. Confirm or furnish a legal description which conforms to the Record Title Boundaries. Prior to making this survey, the Surveyor shall, insofar as possible, acquire data including, but not limited to, deeds, maps, certificates or abstracts of title, section line and other boundary line locations in the vicinity.
3. Provide area in square feet if less than one acre, in acres (to .001 acre) if over one acre.
4. Note identity, jurisdiction and width of adjoining streets and highways, width and type of pavement. Identify landmarks.
5. Obtain permission from adjacent property owners as required to survey the twenty feet closest or adjacent to NDOT Property.
6. Plot location of structures and improvements on adjacent property within 20 feet of the State property boundary. Dimension perimeters in feet and inches to nearest 1/2". Dimension to property lines and other buildings. Vacant parcels shall be noted VACANT.
7. Show encroachments, including cornices, belt courses, etc. either way across property lines.
8. Describe fences and walls. Identify party walls and locate them with respect to property lines.
9. Show recorded or otherwise known easements and right-of-way; state the owner of right of each.
10. Note possibilities of prescriptive rights-of-way and the nature of each.
11. Note anticipated street widenings.
12. Show individual lot lines and block numbers; show street numbers of buildings if available.

13. Show zoning of property; if more than one zone, show the extent of each. Show zoning of adjacent property and property across the street(s) or highway(s).
14. Show building line and setback requirements, if any. Setback requirements may be obtained from the local authority having jurisdiction, either city or county.
15. Provide names, addresses and contact information for adjacent property owners.
16. Reconcile or explain any discrepancies between the survey and the recorded legal description.

TOPOGRAPHICAL SURVEY REQUIREMENTS

3.1 REQUIREMENTS FOR ALL SURVEYS:

1. Minimum of one permanent benchmark on site for each four acres; description and elevation to nearest .01'.
2. Contours at 1 foot intervals; error shall not exceed one half contour intervals.
3. Plotted location of structures and improvements, above and below ground, man-made (e.g., paved areas) and natural features; all floor elevations and elevations at each entrance of buildings on the property. Include adjacent property owner information as required in item 2.2.6.
4. Location, size, depth and pressure of water and gas mains, central steam and other utilities including, but not limited to, buried tanks and septic fields serving, or on, the property.
5. Location of fire hydrants available to the property and the size of the main serving each.
6. Location and characteristics of power and communications systems above and below ground.
7. Location, size, depth and direction of flow of sanitary sewers, combination sewers, storm drains and culverts serving, or on, the property; location of catch basins and manholes, and inverts of pipe at each.
8. Name of the operating authority of each utility, including address and contact information for each authority.
9. Mean elevation of water in any excavation, well or nearby body of water, record date observed.
10. Flood plain, flood level of streams or adjacent bodies of water and analysis of site for potential flooding as per current requirements (NAVD 88).
11. Extent of watershed onto the property (obtained from FEMA or NRD) if required.
12. Trees of 3" and over (caliper 3' above ground); locate within 6" tolerance; give species in English (and botanical terms if known and available), give caliper and ground elevations on upper slope side.

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- 13. Perimeter outline only of thickly wooded areas unless otherwise directed.
- 14. Location or monitoring wells or test wells, provide type, size, purpose and depth.
- 15. Confirm soil boring location(s) and/or locations of test borings (if ascertainable) and the elevation of the top of holes (verify requirements with Capital Facilities).
- 16. Other (specify):

END OF LAND SURVEY REQUEST

Revised August 10, 2007