

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY Arkansas Building Authority
 DIVISION Design Review Section
 DIVISION DIRECTOR Anne Laidlaw, ABA Director; Floyd Farmer Design Review Admn
 CONTACT PERSON Floyd Farmer, ABA State Engineer
 ADDRESS 501 Woodlane Drive, Suite G-01
 PHONE NO. 501-682-5563 FAX NO. 501-683-3521 E-MAIL ffarmer@aba.state.ar.us
 NAME OF PRESENTER AT COMMITTEE MEETING Floyd Farmer
 PRESENTER E-MAIL ffarmer@aba.state.ar.us

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Donna K. Davis
 Administrative Rules Review Section
 Arkansas Legislative Council
 Bureau of Legislative Research
 Room 315, State Capitol
 Little Rock, AR 72201

1. What is the short title of this rule? ABA Minimum Standards and Criteria- Section Two
Design Review

To incorporate changes in contracting for professional services and design sof buildngs as required by legislation passed in the 2009 & 2011 Regular Sessions and to incorporate changes in accessibility design required by the Federal adoption of the new 2010 Accessibility Standards.

2. What is the subject of the proposed rule? The rule aligns ABA polices with the contracting limits and form for professional services contracts with the rules and policies of the Office of State Procrument in the Department of Finance and Administration and reflects current pracitees in the design and constuction industries.

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

Some subsections of the rule is to comply with recent revision to the American with Disabilities Act -

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act? Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

- Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No

If yes, please provide a brief summary explaining the regulation.

- Does this repeal an existing rule? Yes No

If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

- Is this an amendment to an existing rule? Yes No

If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law that grants the authority for this proposed rule?

If codified, please give Arkansas Code citation.

Ark. Code Ann. §22-2-107(a)(3) and §22-2-108(9)(A)

7. What is the purpose of this proposed rule? Why is it necessary?

Changes are required to reflect the current laws and to align with the professional services contracting rules of the DFA/Office of State Procurement.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

www.aba.arkansas.gov

9. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: 1/20/12

Time: 10:00 am

Place: Real Estate Commission Meeting Room, 612 South Summit, Little Rock, AR

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

January 10, 2011

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

30 days after filing of the final rule

12. Do you expect this rule to be controversial?

Yes

No

If yes, please explain. _____

13. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

Arkansas chapter of the American Institute of Architects (AIA)

Arkansas chapter of the American Consulting Engineers Council (ACEC)

Arkansas chapter of the Association of General Contractors Association (AGC)

Arkansas chapter of the Associated Building Contractors (ABC)

Arkansas chapter of the American Subcontractors Association (ASA)

Revisions were sent to all of the above groups in October 2011 prior to the start of the formal promulgation of the rules. These were also sent to several State agencies which are also involved with capital improvements on a regular basis. We received no comments of concern or opposition regarding these rules. With this in mind, we do not expect any opposition or negative feedback.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Building Authority
DIVISION Design Review Section
PERSON COMPLETING THIS STATEMENT Floyd Farmer, ABA State Engineer
TELEPHONE NO. 501-682-5563 **FAX NO.** 501-683-3521 **EMAIL:** ffarmer@aba.state.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Arkansas Building Authority Minimum Standards and Criteria Section Two Design Review

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Does this proposed, amended, or repealed rule affect small businesses? Yes No
If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

I have attached what was sent to AEDC.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program.

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total _____

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

\$ 0

Next Fiscal Year

\$ 0

QUESTIONNAIRE FOR FILING OF PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

SECTION 5 OF THE QUESTIONNAIRE: SUMMARY OF CHANGES TO ABA MINIMUM STANDARDS AND CRITERIA; SECTION 2 DESIGN REVIEW

Proposed changes incorporate legislated changes from the 2009 & 2011 Regular Sessions and align ABA policies on procurement of architecture and engineering design services with the Arkansas Department of Finance and Administration, Office of State Procurement policies. In addition, these changes incorporate changes in the Federal laws regarding design for accessibility by persons with disabilities.

Changes in § 2-100 through § 2-106 clarify the process for selection of design professionals to match the processes outlined in the Office of State Procurement (OSP) rules and ABA Design Review Section's roles in this process and reduces the number of times an agency must publish a public notice of intent to issue a request for qualification package to interested parties. Proposed changes in § 2-106 will streamline the selection process for certain types of contracts and reduce the time required for an agency to initiate contracts used for critical maintenance projects, emergency repairs and smaller projects.

Changes in § 2-200 through §2-211 incorporates the requirements of Act 1494 of 2009 and other minor clarifications of design services.

Changes in § 2-300 through 2-315 seek to clarify the development of a professional services contract and align ABA policies with OSP policies on the development and submittal of contracts for architectural and engineering services. Also clarifies allowable reimbursable expenses that an agency may include on a professional services contract to avoid confusion and delays in processing payments to design professionals.

Changes in § 2-800 through §2-805 incorporates the requirements of the Arkansas Energy Office rules for Energy Efficiency and Natural Resource Conservation in Public Buildings (Act 1494 of 2009) and Executive Order 09-07 for energy conservation and efficiency.

Changes in § 2-900 through § 2-905 incorporate the requirements of Act 1494 of 2009 into the ABA design standards and criteria and other minor technical changes to reflect current industry practices. Also streamlines the process for agencies to incorporate proprietary and sole-source specifications into a project when in the best interest of the agency and the State and provides for transparency in the source and cost of such specifications in the bid process.

Existing § 2-1000 is deleted and replaced by new § 2-1000 to reflect changes in the 2010 ADA Standards for Accessible Design adopted by the US Department of Justice in 2010 and to clarify ABA plan review requirements on Public School (K-12) projects as required by Act 1006 of 2011.

Changes in § 2-1200 thorough § 2-1208 include minor technical changes to reflect changes in construction practices in the roofing industry.

ARKANSAS

BUILDING

AUTHORITY

MIKE BEEBE, GOVERNOR

• ANNE W. LAIDLAW, DIRECTOR

501 WOODLANE • SUITE 101N • LITTLE ROCK, AR • 72201 • (501) 682-1833 • FAX (501) 682-5589 • TDD (501) 682-1487

November 14, 2011

Grant Tennille, Interim Director
Arkansas Economic Development Commission
900 W. Capitol, Suite 400
Little Rock, AR 72201

Re: Small Business Impact Statements for revisions to the Arkansas Building Authority
Minimum Standards and Criteria, Sections 2-5

Dear Mr. Tennille:

Please find enclosed copies of the proposed revisions to the Arkansas Building Authority Minimum Standards and Criteria. ABA has not begun the rule making process for the promulgation of these proposed revisions to the current rules. We are planning to begin the formal process on December 7, 2011 with the presentation of these revisions to the ABA Council with hopes to begin the 30 day notice period on December 8th. This submission today is to provide you and your staff time to review the proposed changes prior to ABA's formal processes.

In accordance with state laws, we are submitting the revisions to your office for your review and comment. A substantial portion of these revisions are referencing current laws or policies, or both. As you will find, ABA does not foresee any of these revisions to have a negative impact on small businesses.

For your ease of reference, we developed a cover sheet for each section of the four (4) sections of the ABA Minimum Standards and Criteria. The name of the administrator who completed the review is on each of these cover sheets. Should you or your staff have any questions, please direct them to the name and phone number listed on the applicable coversheet. Should you have any questions regarding the rulemaking process, please contact Susan Wilson, Deputy Director at 682-5091.

Sincerely,



Anne W. Laidlaw
Director

IMPACT ON SMALL BUSINESS
Completed by Floyd Farmer, ABA State Engineer (682-5563)

Name of the Rule: ABA Minimum Standards and Criteria, Section 2-Design Review
Impact Statement Completion Date: November 9, 2011

- (1) Identification of the small business:**
 - a. **What are the types of small business that will be directly affected by the proposed rule?** Architects, Landscape Architects, Interior Designers, Engineers, Land Surveyors, and Environmental Consultants offering design services to state agencies.
 - b. **What types of small business will bear the cost of the proposed rule?** None
 - c. **What types of small business will directly benefit from the proposed rule?** Same as (a.) above.
- (2) Provide a description of how small businesses will be adversely affected.** None
- (3) Provide a reasonable determination of the dollar amounts the proposed rule will cost small businesses in terms of fees, administrative penalties, reporting, recordkeeping, equipment, construction, labor, professional services, revenue loss, or other costs associated with compliance.** None
- (4) Provide a reasonable determination of the dollar amounts of the costs to ABA of implementing the proposed rule, as well as the financial benefit to the agency of implementing the rule.** No cost to ABA for implementation. Minimal cost benefit (less than \$500/year on average) to agencies.
- (5) State as to whether and to what extent alternative means exist for accomplishing the objectives of the proposed rule that might be less burdensome to small businesses and why such alternatives are not being proposed.** No known alternatives exist.
- (6) Is there a state or federal counterpart of the proposed rules? If yes, please compare.**
No.