

Advisory Commission on Intergovernmental Relations**Proposed Revisions to NDCC Chapter 48-01.2-02 Relating to the Requirement to Hire an Architect or Engineer for a Public Improvement.****Presented by the Construction Leaders Coalition****July 1, 2010**

48-01.2-02. Plans and specifications for a public improvement contract. Except as otherwise provided in this chapter, if the governing body plans to a contract for the construction of a public improvement, is estimated to cost in excess of one hundred thousand dollars, the governing body shall procure plans, drawings, and specifications for the public improvement from an architect or engineer if the cost of the public improvement is estimated to cost in excess of one hundred and fifty thousand dollars or any of the following conditions apply:-

- 1) Any public improvement, other than a building, intended to service 4 or more properties or 10 or more people.
- 2) Any public improvement, other than a building, requiring a permit from a state or federal agency, excluding a North Dakota Pollutant Discharge Elimination System Permit.
- 3) Any building enlargement or alteration that modifies any exterior or interior bearing walls, changes the building fire rating, changes the building occupancy, or modifies the building ingress or egress.
- 4) Any building classified as a Type A (Assembly) occupancy, including, but not limited to Theatres, Libraries, Museums, Grandstands, or other assembly if the gross square footage of the new construction, the enlargement, or the alteration is four thousand square feet or more;
- 5) Any building classified as a Type B (Business) Occupancy, including, but not limited to Offices, Higher Education and other Type B occupancies if the gross square footage of the new construction, the enlargement, or the alteration is five thousand square feet or more;
- 6) Any building classified as a Type E (Educational) occupancy, including but not limited to elementary schools, middle schools, high schools and other type E occupancies if the gross square footage of the new construction, the enlargement, or the alteration is five thousand square feet or more;
- 7) Any building classified as a Type F (Factory-Industrial) Occupancy, including, but not limited to industrial plants and other Type F occupancies if the gross square footage of the new construction, the enlargement, or the alteration is eleven thousand square feet or more;
- 8) Any building classified as a Type H (High Hazard) Occupancy, including, but not limited to buildings storing hazardous materials and other Type H occupancies if the gross square footage of the new construction, the enlargement, or the alteration is eleven thousand square feet or more;
- 9) Any building classified as a Type I (Institutional) Occupancy, including, but not limited to Hospitals, Nursing Homes, Jails, Prisons, Assisted Living Facilities and other Type I occupancies if the gross square footage of the new construction, the enlargement, or the alteration is four thousand square feet or more;

- 10) Any building classified as a Type M (Mercantile) Occupancy, including, but not limited to retail stores and other Type M occupancies if the gross square footage of the new construction, the enlargement, or the alteration is five thousand square feet or more;
- 11) Any building classified as a Type R (Residential) Occupancy, including, but not limited to apartments, dormitories, congregate living facilities and other Type R occupancies if the gross square footage of the new construction, the enlargement, or the alteration is five thousand square feet or more;
- 12) Any building classified as a Type S (Storage) Occupancy, including, but not limited to parking garages, storage buildings, and other Type S occupancies if the gross square footage of the new construction, the enlargement, or the alteration is twenty thousand square feet or more;
- 13) Any building classified as a Type U (Utility) Occupancy, including, but not limited to agricultural buildings, and other Type U occupancies if the gross square footage of the new construction, the enlargement, or the alteration is twenty thousand square feet or more;

For a public building in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications, with the approval of the state board of higher education, may be prepared by an engineer in the regular employment of the agricultural experiment station. For a public building in use by or to be used by the department of transportation for the storage and housing of road materials or road machinery, equipment, and tools, the plans, drawings, and specifications may be prepared by an engineer employed by the department of transportation.