

NEBRASKA DEPARTMENT OF ADMINISTRATIVE SERVICES

NOTICE OF PUBLIC HEARING

May 28, 2021

10:00 a.m. Central Time

Fourth Floor – Conference Room D

1526 K Street, Lincoln, Nebraska

The purpose of this hearing is to receive comments on proposed changes to Title 7, Chapters 1, 2, 3, 4, and 7 of the Nebraska Administrative Code which are rules and regulations pertaining to the Building Division of the Department of Administrative Services. The purpose of the proposed changes is to eliminate obsolete provisions and provisions that mirror statute(s), reduce regulatory burden, and to simplify and clarify the rules. There is no expected fiscal impact on state agencies, political subdivisions, or persons being regulated.

The proposed rules as amended are available at the offices of the Secretary of State, Regulations/Licensing Division, Room 1305, State Capitol, Lincoln, Nebraska 68509, and online at <http://www.sos.ne.gov>.

All interested persons are invited to attend and make oral or written comments at the hearings. Interested persons may also submit written comments prior to the hearing, which will be made part of the hearing record at the time of the hearing if received by the Department of Administrative Services on or before the hearing time on May 28, 2021. Written comments should be sent to the General Counsel of the Department of Administrative Services by mail to 1526 K Street, Suite 140, Lincoln, Nebraska 68508 or by email to [amara.block@nebraska.gov](mailto:amara.block@nebraska.gov).

Due to COVID-19, members of the public may participate in the public hearing by calling the phone conference line at 888-820-1398; Participant Code 8181679#.

Reasonable accommodations will be provided to persons with disabilities by contacting Amara Block at (402) 471-4114 or [amara.block@nebraska.gov](mailto:amara.block@nebraska.gov) by May 21, 2021.

FISCAL IMPACT STATEMENT

Agency: Department of Administrative Services	
Title: 7	Prepared by: Kenny Zoeller
Chapter: 1, 2, 3, 4, & 7	Date prepared: 11/9/20
Subject: State Building Division	Telephone: 531-207-2944

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	( X )	( X )	( X )
Increased Costs	( )	( )	( )
Decreased Costs	( )	( )	( )
Increased Revenue	( )	( )	( )
Decreased Revenue	( )	( )	( )
Indeterminable	( )	( )	( )

Provide an Estimated Cost & a Description of Impact:

State Agency: No Fiscal Impact.

Political  
Subdivision: No Fiscal Impact.

Regulated  
Public: No Fiscal Impact.

If indeterminable, explain why:

## **TITLE 7 - STATE BUILDING DIVISION**

### **CHAPTER 1 - PARKING**

001. AUTHORITY. Neb. Rev. Stat. §§ 81-1108.15 & 81-1108.18.

002. PARKING REGULATIONS.

002.01 Except as specifically authorized, parking is forbidden on approaches, including, but not limited to the docks and dock access areas, to the State Capitol and the Nebraska State Office Building (NSOB).

002.02 Parking is not allowed on the lawn and sidewalk areas of the State Capitol Building, NSOB, and the parking garages.

002.03 Backing into stalls is forbidden.

002.04 Bicycles need to be parked in spaces provided.

002.05 No mechanical work on any vehicle shall be performed in any facility except in case of emergency.

003. ENFORCEMENT. The State Building Administrator, or their designee, may request the assistance of the Nebraska State Patrol and/or Lincoln Police Department in matters of enforcement.

004. IMPOUNDMENT. Impoundment by immobilization or by towing, may be requested by the State Building Administrator, or their designee, of any vehicle in violation of law or policy, or deemed a nuisance. A vehicle, including a bicycle, is subject to impoundment without notice under the following conditions:

(A) The vehicle is improperly or unlawfully parked; or

(B) The vehicle interferes with or impedes:

(i) The flow of vehicular or pedestrian traffic;

(ii) The use of parking facilities, building, or loading docks;

(iii) The operation of emergency equipment; or

(iv) The provision of services, public safety, or essential repairs.

005. COMPLAINTS. All complaints or questions regarding the parking facilities or illegally or improperly parked vehicles should be referred to the State Building Division (SBD). Valid complaints must include the identity of the complainant, the make, color, and license numbers of the vehicle(s) involved, the vehicle location, and other information the SBD may specify.

## **TITLE 7 - STATE BUILDING DIVISION**

### **CHAPTER 2 – LEASING PRIVATELY OWNED REAL PROPERTY**

001. AUTHORITY. Neb. Rev. Stat. §§ 81-161 through 81-161.01, 81-1108.15, 81-1108.16, 81-1108.17, 81-1108.22, 81-1108.55, 81-1108.56 and 81-1108.57.

#### 002. REQUEST.

002.01 The agency seeking space (Tenant Agency) needs to submit a detailed Leasing Requisition for Real Property form, which can be found on the State Building Division (SBD) website, to the SBD for the space desired.

002.02 The SBD will review the Leasing Requisition for Real Property and determine if the request is valid. If so, the SBD will proceed with obtaining approval from the Director of the Department of Administrative Services (DAS) and procuring the requested space.

002.03 Upon approval by the Director of DAS, the SBD, in cooperation with the Tenant Agency, will prepare the necessary detailed specifications for a Request for Proposals (RFP) and arrange for advertisement.

002.03(A) The advertisement will contain:

- (i) A general description of the property desired;
- (ii) Instructions on how to obtain a RFP packet;
- (iii) Instructions on how to submit a proposal; and
- (iv) The time and place proposals are to be opened.

002.04 A minimum of fifteen days must elapse between the time formal bids are advertised and the time of their opening. This requirement may be waived by the SBD administrator upon a showing by the Tenant Agency of an emergency, sole or specialized source, or other unique requirement.

002.05 The formal RFP process may be waived by the SBD administrator when conditions exist to defeat the purpose and principles of public competitive bidding.

#### 003. REVIEW.

003.01 The SBD is responsible for opening sealed bids and preparing a bid summary for use by the requesting agency. The bid summary and a copy of all proposals received will be given to the requesting agency.

003.02 The SBD will coordinate and be included in any site inspections of proposed locations.

003.03 After a review of all proposals and site inspections by the Tenant Agency and the SBD, a written recommendation by the requesting agency will be made to the SBD specifying the most acceptable proposal and corresponding justification for that recommendation. This recommendation will be made in accordance with the evaluation criteria developed by the requesting agency and included as a part of the RFP packet, as well as applicable law.

003.04 DAS will be the final authority on the proposal selection and award of contract. Any and all bids may be rejected.

004. LEASE.

004.01 Upon approval by the Director of DAS and the SBD of contract award, the SBD will proceed in finalizing a lease agreement with the successful vendor (Lessor). Copies of the lease agreement will be sent to the Lessor for review and signature(s) and then returned to the SBD (Lessee) for final review and approval by the SBD, verification from the Budget Division as to the availability of sufficient agency appropriations to fund the lease, and approval and signature by the Director of DAS. Once the lease is executed, the SBD will return one fully executed copy of the lease agreement to the Lessor.

004.02 The proposed lease agreement will not take effect until executed by all necessary parties and the premises are ready for full legal occupancy. If a lease agreement cannot be successfully executed between the SBD and the Lessor, a new RFP may be issued.

004.03 SBD will then prepare a Space Allocation Agreement (SAA) between the Lessee and the Tenant Agency. The SAA is a binding agreement between the Tenant Agency and the SBD guaranteeing reimbursement by the Tenant Agency to Lessee for all rentals and associated lease costs paid to Lessor by the Lessee. A copy of the lease agreement will be attached to the SAA.

005. When obtaining new space, these rules and regulations do not apply if the proposed lease cost is less than \$25,000.00 per year.

006. A grievance and protest procedure, incorporated herein by this reference, is available by contacting the SBD. A grievance or protest must be filed by a vendor within ten (10) days after notification of intent to award a lease contract.

## TITLE 7 - STATE BUILDING DIVISION

### CHAPTER 7 – FACILITY CONSTRUCTION PROJECTS

001. AUTHORITY. The responsibility of the State Building Division (SBD) for development of procedures in the construction process is contained in Neb. Rev. Stat. §§ 72-803, 81-1108.15, 81-1108.41, 81-1108.42, 81-1114.01, 81-1711, and 81-1712.

#### 002. NEBRASKA CONSULTANTS' COMPETITIVE NEGOTIATION ACT.

002.01 For the purpose of the Nebraska Consultants' Competitive Negotiation Act, the Department of Administrative Services has jurisdiction over each project that has a construction cost greater than that amount described in 81-1712, as adjusted for inflationary and market changes, and is:

(A) A single construction project at one location;

(B) A grouping of minor construction, rehabilitation, restoration, or renovation activities at one location; or

(C) A grouping of substantially similar construction, rehabilitation, restoration, or renovation activities at multiple locations and is or will be performed by a contractor pursuant to one contract.

002.02 Agencies will submit to SBD information regarding the consultant's contract. This includes, but is not limited to, information pertaining to the funding source, a copy of the contract, a statement regarding compliance with law, and other information the SBD may request.

004. COMPREHENSIVE CAPITAL FACILITIES PLAN. As required by Section 81-1114.01, each department and agency of the state, prior to submitting a capital construction project in excess of the amount described in Section 81-1114.01, as adjusted for inflationary and market changes, will prepare a comprehensive capital facilities plan.

005. PROGRAM STATEMENT. The agency will submit to the SBD information regarding the program statement. This includes, but is not limited to, information concerning the funding and budget, project, comprehensive plan compliance, timeline, and other information the SBD may request.

006. PRE-CONSTRUCTION DOCUMENTS. Information to be submitted by the agency to the SBD include, but is not limited to, the following:

(A) Plans and specifications;

(B) Professional consultant's estimated total construction cost;

(C) Compliance with the approved program statement, preliminary plans, and

(D) Timeline.

007. CONSTRUCTION CONTRACTS. Bidding opportunities for construction contracts shall be advertised in a statewide and a local publication once a week for three (3) consecutive weeks or for twenty-one consecutive calendar days on a State-owned webpage accessible to the public, or both.

008. CONSTRUCTION DOCUMENTS. SBD may require the agency or the contractor to submit to SBD certain document, including, but not limited to:

(A) Capital construction quarterly status reports;

(B) Change orders and support for change orders;

(C) Certificates of payments for projects;

(D) A certificate pursuant to 81-1108.42 when final payment is requested; and

(E) A final report containing the information required by the SBD.

# ~~TITLE 7 - DEPARTMENT OF ADMINISTRATIVE SERVICES - BUILDING DIVISION~~

## ~~CHAPTER 1 - RULES AND REGULATIONS GOVERNING THE PARKING OF MOTOR VEHICLES ON APPROACHES TO THE CAPITOL GROUNDS AND ON THE LANDS ADJACENT TO THE CAPITOL GROUNDS~~

~~**001** Pursuant to the provisions of Section 28.521, R.S. Supp, 1978, 81-1100.17, and 81-1108.18, R.S. Supp, 1979, these regulations were established to govern parking of vehicles in state parking facilities in the vicinity of the State Capitol and Nebraska State Office Building and on the approaches to the grounds surrounding these facilities.~~

### ~~**002 Parking Regulations**~~

~~002.01 Parking is prohibited on the approaches (including docks and dock access areas) to the Nebraska State Capitol Building and the Nebraska State Office Building except those vehicles which are specifically authorized. Posted signs designate which vehicles may be permitted to park in these areas.~~

~~002.02 Parking is absolutely prohibited on the lawn and sidewalk areas of the Capitol Building, Nebraska State Office Building, the parking garages and any other areas designated and posted as "No Parking".~~

~~002.03 Vehicles must be parked in stalls without encroachment on adjacent parking spaces or driveways.~~

~~002.04 Vehicles are to be driven into stalls front end first; not backed into the stall.~~

~~002.06 Bicycles must be parked in spaces provided. Bicycles are to be parked in a manner which will not interfere with the safety or normal movement of vehicular or pedestrian traffic, lawn and grounds maintenance, or other services.~~

~~002.07 No mechanical work on any vehicle shall be performed in any facility except in case of emergency.~~

### ~~**003 Traffic Regulations**~~

~~003.01 The operator of a vehicle must yield the right-of-way to pedestrians at crosswalks.~~

~~003.02 The operator of a vehicle must obey all posted traffic control signs.~~

~~003.03 Driving any vehicle carelessly, recklessly, in willful disregard of the rights and safety of others, or in a manner endangering or likely to endanger persons or property, is prohibited.~~

### ~~**004 Enforcement**~~



~~004.01 All of these Rules and Regulations shall be and remain in effect at all times.~~

~~004.01A Pursuant to Section 81-1108.18, R.S. Supp., 1979 Nebraska Statutes, the violation of any of these Rules and Regulations may constitute a misdemeanor punishable by a fine as may be determined by the court hearing the case.~~

~~004.01B Pursuant to Section 28-1411, R.S. Supp., 1978, Nebraska Statutes, Vehicles parked illegally or in such a manner as to restrict the normal use of parking facilities, may be impounded or towed at the operator's expense.~~

~~004.01C The Director of Security, under authority of the State Building Administrator and Director of Administrative Services shall as necessary request the assistance of the Nebraska State Patrol and/or Lincoln Police Department in matters of enforcement.~~

## **005 Impoundment**

~~005.01 Impoundment by immobilization or by towing, may be requested by the Director of Security, under the authority of the State Building Administrator and Director of Administrative Services, of any vehicle in violation of the Department of Administrative Services' parking Rules and Regulations, or deemed a common nuisance. A vehicle is subject to impoundment without notice under the following conditions:~~

~~005.01A If the vehicle is improperly parked so as to interfere with or impede the flow of vehicular or pedestrian traffic; the use of parking facilities, building, or loading docks; the operation of emergency equipment; or the provision of services, public safety, or essential repairs.~~

~~005.01B If an authorized vehicle parks in or blocks the use of a reserved stall.~~

~~005.01C If a vehicle is parked on any surface not specifically marked for the legal operation of a motor vehicles, i.e. lawns, grass, or sidewalks.~~

~~005.01D If the vehicle is parked in any areas marked "Tow-In Zone", "Tow-Away Zone", etc.~~

~~005.01E If a bicycle is improperly parked so as to interfere with safety, the movement of vehicular or pedestrian traffic, the maintenance of grounds, or other services.~~

## **006 Posting**

~~The following "General Rules and Regulations" will be posted on or near each parking facility:~~

### **GENERAL RULES AND REGULATIONS FOR STATE PARKING FACILITIES**

- ~~1) Backing into stalls is prohibited.~~
- ~~2) Driving in a careless or reckless manner is prohibited.~~

- 3) ~~Parking in or on any area not posted for vehicle parking is prohibited.~~
- 4) ~~Observe all traffic regulations.~~
- 5) ~~Observe all restrictive parking regulations.~~
- 6) ~~Public parking permitted only in areas posted for "Public Parking".~~
- 7) ~~Mechanical work permitted only in an emergency.~~

**AUTHORITY**

~~Pursuant to provision of Sections 28-521, R.S. Supp. 1978, 81-1108.15, 81-1108.17, and 81-1108.18, R.S. Supp. 1979, these and all rules and regulations governing parking are in effect and on file in the State Building Division Office, State Capitol, Lincoln, Nebraska.~~

**ENFORCEMENT**

~~Violation of these rules and regulations may constitute a misdemeanor offense punishable by fine.~~

~~Violation may also result in vehicles being impounded at owner's expense.~~

**007-COMPLAINTS**

~~All complaints regarding the parking facilities, illegally parked vehicles or other questions should be referred to the State Building Division Security 471-2400 or 471-3191. Complaints, in order to merit appropriate response, must include the identity of the complainant, the make, color, and license numbers of the vehicle(s) involved, and the parking identification number(s).~~

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# ~~TITLE 7 - DEPARTMENT OF ADMINISTRATIVE SERVICES~~

## ~~CHAPTER 2 - LEASING PRIVATELY OWNED REAL PROPERTY~~

~~**001** Rules and regulations governing the leasing of privately owned real property. Under authority of and in compliance with Section 81-145 through 81-163, 81-1108.16 and 81-1108.22, Reissue Revised Statutes of Nebraska, 1943, the following rules and regulations are prescribed by the Department of Administrative Services and are effective from October 1, 1990 until revoked or amended. These procedures are to be used as a guideline by all Agencies, Boards or Commission when leasing storage and/or office space.~~

~~001.01 The agency seeking space shall submit a detailed requisition to the Materiel Division for the space desired. The requisition shall include all information and specifications necessary to locate and obtain space suitable to the needs of the requesting agency. This information shall include, but is not limited to the following items:~~

~~001.01A Explain the circumstances that have caused the need for this space.~~

~~001.01B What is the proposed space to be used for? (Storage, office, lab, etc.)~~

~~001.01C How will this space fit into your Agency's present plan of operation?~~

~~001.01D A statement certifying that funds are available in your budget to finance~~

~~001.01E To what extent, if any, are special needs required (i.e. plumbing,~~

~~001.01F Is there any other information you feel would aid in the justification or~~

~~**002** The Materiel Division, in concurrence with the State Building Division, after determining that all statutory requirements have been met, will arrange for a public notice to be made in a paper of general circulation in the area where the proposed space is desired. Any direct cost for public notices shall be borne by the requesting agency. The public notice shall contain the following:~~

~~002.01 A general description of the property desired.~~

~~002.02 The place and deadline proposals are to be submitted.~~

~~002.03 The time and place proposals are to be opened.~~

~~002.04 Sources of additional information if needed (i.e. detailed specifications).~~

~~**003** All requests for proposals shall specify utilization of the standard property lease agreement for the State of Nebraska, (copies are available from the State Building Division).~~

~~Alternative lease agreements may be submitted; however, acceptance will be contingent upon~~

~~the approval of the Attorney General or agency's legal counsel and the State Building Division.~~

~~All leases MUST contain the clause '...if no appropriated funds are available to the Lessee for the purpose of paying rentals on the premises, this lease shall terminate at the election in writing of either party hereto. If any Governor's budget message is such that it does not include funds to pay rentals hereunder, notice of such fact shall be given promptly to Lessor, and if at any time it appears that appropriations will be depleted in the future, or not available for rentals hereunder, notice of such fact and the estimated date of depletion shall be given promptly to Lessor'.~~

~~Also required in each lease is a cost breakdown by cost per square foot, total square feet (storage and/or office) and total annual cost. Additional costs to requesting agency must be stated in the lease agreement (i.e. electricity, utilities, janitorial, parking, snow removal, trash removal, etc.).~~

**004** ~~After a review of all proposals by the requesting agency and the Materiel Division, a written recommendation by the requesting agency will be made to the Materiel Division specifying the most acceptable proposal and corresponding justification for that recommendation. This recommendation shall be made in accordance with the statutory provisions which specify the criteria to be considered in determining the lowest responsible bidder. (Section 81-161, Reissue Revised Statutes of Nebraska, 1943.) All proposals including the proposed lease agreement shall accompany the agency's recommendation.~~

**005** ~~Upon acceptance by the Materiel Division of the agency's recommendation, at least three (3) copies of the lease contract shall be drafted according to the requirements previously stated. All copies of this agreement must be signed by the requesting agency prior to submission to the State Building Division for review and approval. The State Building Division's review shall include but is not limited to:~~

~~005.01 Verification from the Budget Division as to the availability of sufficient agency appropriation to~~

~~005.02 The Director of the Department of Administrative Services will review and either approve or disapprove~~

~~005.03 Once all necessary approvals have been obtained, all copies of the lease agreement will be signed by either the Director of the Department of Administrative Services or the Administrator of the State Building Division. The approved lease agreements shall be returned to the agency to be executed by the landlord. The landlord and agency shall retain a copy with the final copy being submitted to the State Building Division for their files. Additional copies shall be provided by the agency or landlord if required by parties other than those mentioned.~~

~~The proposed lease agreement shall not take effect until executed by all required parties.~~

**006** ~~If the lease agreement is not acceptable, all copies will be returned to the requesting agency with the written objections of the Department of Administrative Services and an alternative recommendation, if appropriate. If the objections of the Department of Administrative Services cannot be resolved and all other proposals are unacceptable, new requests for proposals may be issued.~~

~~007~~ These policies and procedures shall apply either wholly or in part to all State Agencies, Boards and Commissions-

~~007.01~~ When obtaining new space, the entire set of procedures shall apply. Any proposed lease with a cost of less than \$1,000 per year shall not require a Public Notice provided the requesting

~~007.02~~ When an existing lease containing a renewal option is to be exercised with the same terms and-

~~007.03~~ When an existing lease is to be altered to reflect a change in cost, square footage or any other terms-

~~007.04~~ When an existing lease and all renewal options are about to expire and the renting agency and the Materiel Division.

~~007.05~~ If an agency feels they have a special situation not covered in the above instances, explanation of the situation and the particular request shall be submitted to the Materiel Division.

# ~~STATE OF NEBRASKA~~ ~~DEPARTMENT OF ADMINISTRATIVE SERVICES~~

## ~~RULE 3~~

### ~~REGULATIONS GOVERNING THE STANDARDS AND SPECIFICATIONS TO MAKE ALL APPLICABLE BUILDINGS AND FACILITIES ACCESSIBLE TO AND FUNCTIONAL FOR THE PHYSICALLY HANDICAPPED~~

~~Pursuant to the provisions of Sections 72-1101 to 72-1124, Nebraska Revised Statutes, the following rules and regulations are established by the Public Buildings Safety Advisory Committee to govern the standards and specifications to make all applicable buildings and facilities accessible to and functional for the physically handicapped.~~

#### ~~(1) Foreword~~

##### ~~(a) Introduction~~

~~Physical disability is a national problem affecting millions of people in all parts of the country, in all age groups, and in all occupations. The number of handicapped persons has increased as the general population has grown, as traffic accidents have risen, as war veterans have come home, and as medical knowledge and care have improved. Modern medicine has not only increased the numbers of surviving handicapped but also given us a more mobile, energetic, and able handicapped population.~~

~~Federal, state, and local governments are spending millions of dollars each year in vocational rehabilitation programs to help restore disabled youth and adults and return them to productive lives. This national investment has produced impressive results with physically handicapped individuals performing effectively in most of the job market. Unfortunately, too many jobs are off limits to the handicapped merely because they are located in buildings made inaccessible by architectural barriers. The physical design of the facilities they must use is the greatest single obstacle to the handicap—more so than the disabilities per se. The value to society of having the disabled population more fully independent and usefully employed outweighs the relatively small cost of making the facilities accessible.~~

~~Those whose mobility is impaired, wheel chair and crutch users, the arthritic, aged, blind, and deaf, comprise about 12% of the U.S. population. The handicapped person does not want to be the object of misdirected pity, but rather to be an individual, to move about and contribute what he or she can.~~

#### ~~(b) Preface~~

~~The State of Nebraska has enacted legislation, Revised State Statutes Sections 72-1101 through 72-1124, establishing standards and specifications designed to ensure the handicapped person accessibility to buildings and facilities used by the public. The Public Buildings Safety Advisory Committee has been established pursuant to such legislation for the purposes of advising and implementing these codes. This publication has been developed for the committee so that those involved in designing and constructing buildings~~

will be able to identify the requirements of these Statutes.

The provisions contained herein are based upon minimum needs and acceptable norms of accommodating physical handicapped persons. It is hoped that designers will want to go beyond these minimal requirements when particular disability problems dictate.

Throughout the text, the metric equivalent in centimeters is shown in parentheses following each inch or foot dimension.

Implementation of these provisions is not intended to detract from normal use of buildings by those who are not handicapped, but rather make facilities more accessible and safer for all who use them.

First Edition -- September 1975

Second Edition -- October 1976

Third Edition -- October 1977

The provisions contained in this edition supersede all previous editions effective October 1, 1977.

#### (c) Scope

These standards and specifications as set forth in the Nebraska Revised Statutes Sections 72-1101 to 72-1124 of the "Standards for Public Buildings" currently apply to all buildings and facilities used by the public which are constructed or remodeled in whole or in part by the use of state, county or municipal funds, or the funds of any political subdivision of the state. After January 1, 1977, such standards and specifications shall apply to all buildings and facilities which shall be constructed or remodeled with the State of Nebraska and where the public is invited or permitted to enter or remain upon the premises as business invitees. Where remodeling projects require expenditures exceeding 50% of the replacement value of the structure over any consecutive three-year period, the total structure shall comply with the provisions here outlined.

It is the intent of these standards and specifications to make all such buildings and facilities accessible to and functional for they physically handicapped without loss of function space, or facility where the general public is concerned. Should the owner or authority responsible for the proper construction of a building or facility determine, after taking all circumstances into consideration, that full compliance with any particular standard or specification is impracticable, it shall apply to the Public Buildings Safety Advisory Committee for an opinion relating thereto. The Committee shall have the authority to render such opinions pursuant to the submittal of a complete and accurate request by the owner (see Appendix for request guidelines).

These provisions shall not apply to buildings, structures or installations, or portions thereof, used for agricultural purposes or heavy industry including but not limited to repair shops, railroad yards and any other business or industrial building where the presence of handicapped persons could or would tend to place them in a position of potential hazard to their person, but shall apply to any separate portions of such buildings, structures or installations where managerial functions are conducted if the entry to, and presence of handicapped persons in such separate portions of such buildings, structures or installations would not tend to place them in a position of

potential hazard to their person.

## (2) Terms Defined

(a) ~~Nonambulatory disabilities shall mean impairments that, regardless of cause or manifestation, for all practical purposes, confine individuals to wheelchairs.~~

(b) ~~Semiambulatory disabilities shall mean impairments that cause individuals to walk with difficulty or insecurity. Individuals using braces or crutches, amputees, arthritics, spastics, and those with pulmonary and cardiac ills may be semiambulatory.~~

(c) ~~Sight disabilities shall mean total blindness or impairments affecting sight to the extent that the individual functioning in public areas is insecure or exposed to danger.~~

(d) ~~Hearing disabilities shall mean deafness or hearing handicaps that might make an individual insecure in public areas because he is unable to communicate or hear warning signals.~~

(e) ~~Disabilities of incoordination shall mean faulty coordination or palsy from brain, spinal or peripheral nerve injury.~~

(f) ~~Aging shall mean those manifestations of the aging process that significantly reduce mobility, flexibility, coordination, and perceptiveness but are not accounted for in the aforementioned categories.~~

(g) ~~Fixed turning radius, wheel to wheel, shall mean the tracking of the caster wheels and large wheels of a wheelchair when pivoting on a spot.~~

(h) ~~Fixed turning radius, front structure to rear structure, shall mean the turning radius of a wheelchair, left front foot platform to right rear wheel, or right front foot platform to left rear wheel when pivoting on a spot.~~

(i) ~~A ramp is defined as a sloping walkway which is attached to a building as a means of moving from one floor elevation to another without encountering any obstruction. Ramps with gradients shall mean ramps with gradients, or ramps with slopes that deviate from what would otherwise be considered the normal level. An exterior ramp, as distinguished from a walk, shall be considered an appendage to a building leading to a level above or below existing ground level.~~

(j) ~~Walk shall mean a predetermined, prepared surface, exterior pathway leading to or from a building or a facility, or from one exterior area to another, placed on the existing ground level and not deviating from the level of the existing ground immediately adjacent.~~

(k) ~~Passageway shall mean the area between fixed objects utilized for circulation purposes.~~

(l) ~~An adequate parking space is one that is open on one side and which allows room for individuals in wheelchairs or individuals on braces and crutches to get in and out of an automobile onto a level surface, suitable for wheeling and walking.~~



~~(m) Business invitee shall mean any person who enters any premises where business is normally transacted upon the express or implied consent of the owner, occupant, or possessor.~~

~~(n) Person shall mean any individual, firm, partnership, agency, association, corporation, company, society, or any other legal entity.~~

~~(o) Remodeled space shall mean all newly remodeled space so designed under these provisions.~~

### ~~(3) Design Criteria~~

~~(a) Wheelchair Specifications. The collapsible model wheelchair of tubular metal construction with plastic upholstery for back and seat is most commonly used. The standard model of all manufacturers falls within the following limits, which are used as the basis of consideration.~~

~~(1) Length: 42 inches (106.5)~~

~~(2) Width, when open averages 25 inches (63.5)~~

~~(3) Height of seat from floor: 19 1/2 inches (49.5)~~

~~(4) Height of armrest from floor: 29 inches (74)~~

~~(5) Width, when collapsed: 11 inches (28)~~

~~(b) Fixed Turning Radius - Wheelchairs. The fixed turning radius of a standard wheelchair, wheel to wheel, is 18 inches (46, i.e. distance from pivot spot of large wheel to tract of caster wheel. The fixed turning radius, front structure to rear structure or from pivot point at center of chair to foremost projection of the footrest, is 31.5 inches (80.5).~~

~~(c) The average turning space required by a person in a wheelchair, one hundred eighty to three hundred sixty degrees, is sixty by sixty inches (153 x 153). Actually, a turning space that is longer than it is wide, specifically 63 by 56 inches (160 x 143), is more workable and desirable. In an area with two open ends, such as might be the case in a corridor, a minimum of 54 inches (138) between two walls would permit a 360-degree turn.~~

~~(d) Minimum Width. A minimum width of 60 inches (153) is required for two individuals in wheelchairs to pass each other.~~

~~(e) Average Reach From Wheelchair. In a wheelchair the average unilateral vertical reach is sixty inches (153) and ranges from fifty-six inches to seventy-eight inches (199).~~

~~The bilateral horizontal reach, both arms extended to each side, shoulder high, of a person in a wheelchair, ranges from fifty-four inches (138) to seventy-one inches (180) and averages sixty-four and one-half inches (164).~~

~~An individual reaching diagonally, from a wheelchair, as would be required in using a wall-mounted dial telephone or towel dispenser would make the average~~

reach, on the wall, forty-eight inches (122) from the floor.

The average horizontal working table reach of a person in a wheelchair is thirty and eight-tenths inches (78) and ranges from twenty-eight and one-half inches (70.5) to thirty-three and two-tenths (84.5). The minimum clearance between the floor and the underside of a work surface is 29" (74).

(f) Individual Functioning on Crutches. On the average, individuals five-foot-six-inches (168) tall require an average of thirty-one inches (78) between crutch tips in the normally accepted gaits.

On the average, individuals six feet (183.5) tall require an average of thirty-two and one-half inches (83) between crutch tips in the normally accepted gaits.

#### (4) Site Development

##### (a) Grading

The ground shall be graded, even contrary to existing topography, so that it provides an entrance accessible to individuals with physical disabilities.

##### (b) Walks

Public walks shall be at least forty-eight inches wide and shall have a gradient not greater than five percent. If the slope of the walk is 5% or less, then no handrail is required. If the slope of the walk is greater than 5%, it will be considered as a ramp and such provisions shall apply.

These walks shall be of a continuing common surface, not interrupted by steps or abrupt changes in level. Vertical level changes greater than 1/2" obstruct small wheels of chair and may trip those with semiambulatory disabilities.

##### (c) Curb Cuts

Where walks cross driveways or parking lots they shall blend to a common level by means of curb cuts with a minimum width of 4'0" (122) and slopes not to exceed a 8.33% gradient. It is preferred that curb cuts be placed adjacent to the normal pedestrian flow. Care should be taken that the curb cut is not in itself a hazard to the blind.

Avoid placing curb ramps in street. Curb cuts should be located where it is impossible for them to be obstructed by cars or other barriers.

Curb cuts should have a textured non-slip surface such as broom finish concrete.

##### (d) Parking Lots

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Parking spaces for the handicapped shall be identified with signs for use by individuals with physical disabilities. A minimum of one such parking space shall be provided per 50 spaces or any fraction thereof.

~~Parking spaces identified for the physically handicapped that are placed on the diagonal or vertical shall be a minimum of 12 feet (366) wide and shall be located as near as possible to the main public entrance of a single building and centrally located in parking lots that serve more than one building.~~

~~Care in planning shall be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars. Where necessary, curb cuts shall be provided adjacent to the handicap stall. Parking spaces for the handicapped shall be clearly identified with signs displaying the international symbol for accessibility.~~

#### ~~(e) International Symbol of Access~~

~~The symbol of access by itself, may be used if the building meets all criteria as established in LB 602 of 1974. If a building fails to meet all criteria as established in LB 602, then the symbol of access would be allowed to be used - but must specify those portions of the facility which are accessible. The symbol of access will be placed adjacent to or attached to a building whichever is most visible to the public.~~

### ~~(5) Access and Circulation~~

#### ~~(a) Entrances~~

~~At least one primary entrance to each building shall be usable by individuals in wheelchairs. At least one entrance usable by individuals in wheelchairs shall be on a level that would make the elevators accessible.~~

#### ~~(b) Entrance Platforms~~

~~A walk or ramp shall have a level platform where it terminates at the building which is at least five feet by five feet, if the door swings out onto the platform or towards the walk or ramp.~~

~~This platform shall extend at least one foot (30.5) beyond the side of the door opposite the hinges. A walk or ramp shall have a level platform at least three feet (91) deep by five feet (153) wide, if the door does not swing onto the platform or toward the walk or ramp. This platform shall extend at least one foot (30.5) beyond the side of the door opposite the hinge and only on the side in the direction of the door swing. (18" is recommended).~~

~~This one foot (30.5) allowance permits persons in wheelchairs to move to the side and open the door without backing their chair. Where rail is required at the platform it is required that the 5'0" x 5'0" or 3'0" x 5'0" be an inside to inside rail dimension.~~

#### ~~(c) Ramps~~

~~A ramp shall have a surface that is nonslip. Broom finish concrete, carborundum grit and rubber are suitable for surfacing materials.~~

~~A ramp shall not have a slope greater than 1 foot in 12 feet, or 8.33%, and shall be no less than 4 feet (122) clear width and structurally designed to carry a minimum of 100 pounds per square foot live load when free standing. If ramp slopes 5% or less~~

and there is no drop off, no handrail will be required. If ramp slope is greater than 5% up to and including 8.33% and there is no drop off, then one handrail will be required. Where ramp drops off on one or both sides, handrails are required on both sides of ramp. Handrails, where required, shall be continuous, shall be smooth, shall be 32" (81.5) high from the surface of the ramp and shall extend 1'0" (30.5) beyond the top and bottom of the ramp, or turned at right angles where necessary.

Each ramp shall have at least six feet (183) of straight clearance at the bottom. Ramps shall have a 3'0" (91) long intermediate level platform at thirty foot (915) intervals for purposes of rest and safety. Ramps shall have level platforms wherever they turn to allow turning and stopping space for wheelchairs.

Lighting on the ramps shall be at least equal to that prescribed by the specifications of the American Standard Association, Inc.

#### (d) Doors and Doorways

Doors shall have a clear opening of not less than thirty-two inches (81.5) when open and all corridor doors and public access doors shall be operable by a single effort. Clear opening must be between the door in its 90 degree open position and the face of the stop. Note that a standard 32" door does not offer a minimum clear opening of 32".

Where doors swing in, the floor on the inside of each doorway shall be level and clear for a 5'0" (153) distance from the door and shall extend one foot (30.5) beyond the side of the door opposite the hinges. Where doors swing out, the floor on the inside shall be level and clear for a distance of 3'6" (106.5) from the door and shall extend 1'0" (30.5) beyond the side of the door opposite the hinges. The requirement for one foot clear beyond the side of the door opposite the hinges shall apply only on the side in the direction of the door swing. (18" is recommended).

Sharp inclines and abrupt changes in level exceeding 1/2" shall be avoided at door openings. Where practicable, thresholds shall be flush with the floor. Two leaf doors must have one leaf which affords the required 32" (81.5) clear

Clear opening for two doors must be between either door in its 90 degree open

The distance between two consecutive doors must be at least 6'6" (198), or 6'0" (183) if the space provided at the side of the door opposite the side of the hinges is at least 24".

#### (e) Passageways

All passageways accessible to the general public shall be a minimum of 3'6" (106.5) in width.

#### (f) Floors

Floors shall wherever practicable have a surface that is nonslip. Floors on the same story shall be of a common level throughout or be connected by a ramp.

### ~~(g) Stairs~~

All required stairs shall conform to the following provisions:

~~Steps in stairs shall not have abrupt (squared) nosing. One inch rounded nosing, vertical or slanted risers are acceptable. Persons wearing leg braces or other leg restrictions often trip because they cannot raise their toe to clear squared nosing.~~

~~Stairs shall have at least one continuous handrail 32 inches (81.5) as measured from the tread at the face of the riser. Stairs shall have at least one continuous handrail that extends at least 18 inches (46) beyond the top step and beyond the bottom step or turned at right angles. Care shall be taken that the extension of the handrails is not in itself a hazard and the extensions should be made on the side of a continuing wall.~~

~~Steps should, wherever possible and in conformation with existing step formulas, have risers that do not exceed seven and three-quarters inches (20).~~

~~This provision is intended to provide safe and adequate stairs for handicapped people and is not intended to eliminate decorative open riser stairs, which, for the reasons stated above, are a hazard to persons wearing leg braces. However, open riser stairs are not prohibited in buildings which have, on the same floor, ramps or stairs that comply with the handicap provisions.~~

### ~~(h) Elevators~~

~~Elevators shall be provided and shall be accessible to, and usable by the physically disabled at all levels normally used by the general public that are not accessible by ramps or grade entrances. It is intended to make all floors of such buildings and facilities covered under the scope of State Statutes 72-1102 to 72-1124 accessible to and functional for the physically handicapped.~~

~~Interior cab dimensions of elevators shall not be less than 49" (129.5) in any one dimension and shall not be less than 24 square feet (2.23 sq. meters) in clear floor area.~~

~~Elevator floor levels must stop within 1/2" maximum of building floor levels.~~

~~Door clear opening width must be 32" (81.5) minimum.~~

~~The centerline of the highest control/alarm/emergency stop button shall be located no higher than 54" (137) from the elevator floor. The emergency call box shall be located no higher than 54" from the elevator floor. All controls shall be identified by raised or notched information adjacent to or on the selection buttons. It is preferred that controls be located on the side walls of the interior cab.~~

## ~~(6) Services~~

### ~~(a) Toilets~~

~~(1) Toilets – Appropriate Number~~

~~Where toilet rooms are provided for the use of the public whether voluntary or required by existing codes, laws, or ordinances, at least one fixture of each type provided shall meet the requirements of these standards. This applies whether the restroom has group facilities or is a single individual toilet room in itself.~~

#### ~~(2) Toilets – Wheelchair Traffic~~

~~Toilet rooms shall have space to allow traffic or individuals in wheelchairs in accordance with the design criteria of Section #3. A 5'0" x 5'0" (153 x 153) clear floor space is required to allow sufficient turning space for wheelchairs.~~

#### ~~(3) Toilet Stalls~~

~~Toilet rooms shall have at least one toilet stall that (1) is three feet (91) wide, (2) is at least four feet eight inches (143), preferably five feet (153) deep, (3) has an entrance or door to the toilet stall providing not less than a 30 inch clear opening when located at the end and not less than 34 inches when located at the side, (Note: handicap stall door must swing out), (4) has grab bars near each side or one side and the back of the toilet stool securely attached 32 inches to 34 inches above and parallel to the floor. Grab bars at the side shall be 42 inches long with the front end positioned 24 inches in front of the water closet stool. Grab bars shall have an outside diameter of not less than 1 1/4 inches and shall provide a clearance of 1 1/2 inches between the grab bar and adjacent surface, and (5) has a water closet with the seat nineteen to twenty inches (48.5-51) from the floor.~~

#### ~~(4) Toilet Room Doors~~

~~Where toilet room doors swing in, the floor on the inside shall be level and clear for a distance of five feet (153) from the door and shall extend one foot (30.5) beyond the side of the door opposite the hinges and only on the side in the direction of the door swing.~~

~~Where the toilet room door swings out, the floor on the inside shall be level and clear for a distance of 3'6" (106.5) from the door and shall extend one foot (30.5) beyond the side of the door opposite the hinges and only on the side in the direction of the door swing.~~

#### ~~(5) Urinals~~

~~Toilet rooms for men shall have at least one wall mounted urinal with elongated lip, with the basin opening 19" (48.5) from the floor, or shall have floor type urinals.~~

#### ~~(6) Lavatories~~

~~supply and drain lines must be insulated or enclosed to prevent burning persons with no sensation in their legs.~~

#### ~~(7) Mirrors~~

~~When mirrors and shelves are provided, at least one mirror and one shelf shall~~

~~be placed above lavatories 40" (101.5) above the floor to the bottom of the mirror and the top of the shelf.~~

~~(8) Toilet Room Dispensers~~

~~Toilet rooms shall have one accessory of each type mounted with the operating mechanism no higher than 48" from the floor and not mounted directly above the lavatories.~~

~~(b) Water Fountains~~

~~Where water fountains are planned, at least one water fountain per floor shall meet the following requirements:~~

~~Water fountains and coolers shall have up-front spouts and controls; shall be hand operated or hand and foot operated and must be no more than 34" (86.5) above the floor.~~

~~(c) Telephones~~

~~When telephones are planned, at least one telephone shall be accessible to the physically handicapped as follows:~~

~~(1) All operating mechanisms (dial, headset, coin slot) shall be 4'0" (122) above the~~

~~(2) Headset should have adjustable volume control with instructions.~~

~~(3) Visual and tactile instructions for use by the blind should be raised or recessed~~

~~(4) Booths for handicapped use should have:~~

~~a) 42" (107) clear floor space between walls~~

~~b) 32" (81.5) clear door opening~~

~~c) Phone unit should be mounted on sidewall.~~

~~d) A seat, if provided, should fold out of the way.~~

~~(7) Controls, Alarms, Hazards and Identification~~

~~(a) Controls~~

~~All control devices for light, ventilation, windows, draperies, doors and fire alarms shall be mounted no higher than 4'0" (122) from the floor.~~

~~(b) Alarms~~

~~Audible warning signals located in central corridors shall be accompanied by simultaneous flashing visual signals for the benefit of those with hearing disabilities. Visual signals shall be accompanied by simultaneous audible signals.~~

~~for the benefit of the blind.~~

~~(c) Hazards~~

~~Every effort shall be exercised to obviate hazards to individuals with physical disabilities.~~

~~Access panels or manholes in floors, walks, and walls can be extremely hazardous, particularly when in use, and shall be avoided where possible.~~

~~When manholes or access panels are open and in use, or when an open excavation exists on a site, particularly when it is approximate to normal pedestrian traffic, barricades shall be placed on all open sides and visual warning devices shall be installed.~~

~~Low-hanging door closures that are within the opening of a doorway when the door is~~

~~Low-hanging signs, ceiling lights, and similar objects or signs and fixtures that protrude~~

~~(d) Identification~~

~~Spaces that would normally be utilized by the visually handicapped (i.e. reception, toilet rooms) shall be identified by raised or recessed letters and/or numbers. This identification shall be next to an entrance doorway at a height between 4'6" (138) and 5'6" (168), measured from the floor, and shall be on the side nearest the door handle when the door is closed or adjacent to the active door of double doors.~~

~~Doors that are not intended for normal use and that are dangerous if a blind person were to exit or enter by them, shall be made quickly identifiable to the touch by a standardized identifiable feature on the door handle or knob. Such shall apply to doors opening onto stairs, loading platforms, boiler rooms, stages, fire escapes, etc.~~

~~(8) Appendix~~

~~Request to Waive Handicap Provisions~~

~~Request to waive the handicap provisions or any part thereof shall be submitted to the Public Buildings Safety Advisory Committee ten (10) days prior to their Public hearing. A request shall include the following items:~~

~~(a) Plans of the construction under discussion.~~

~~(b) An itemized list with narrative justification explaining why such provisions are deemed~~

~~(1) Functional nature served by the facility.~~

~~(2) Anticipated amount of public traffic.~~

~~Address correspondence to:~~



~~The Public Buildings Safety Advisory Committee  
c/o State Fire Marshal  
Nebraska State Office Building  
301 Centennial Mall South  
Lincoln, NE 68509~~

# ~~TITLE 7 - DEPARTMENT OF ADMINISTRATIVE SERVICES - BUILDING DIVISION~~

## ~~CHAPTER 4 - POLICIES GOVERNING THE INSTALLATION AND OPERATION OF CONCESSIONS, VENDING MACHINES, AND CAFETERIAS~~

### 001 Authority

~~The authority of the State Building Division to promulgate and enforce these rules may be found in Section provide facilities for restaurants, cafeterias, or other services, and newsstands for the convenience of the state officers and employees in the State Capitol or buildings leased when such space is not needed for public use."~~

### 002 Policy

~~Except as provided in Section 83-210.03 through 83-210.07, the Department of Administrative State Office Building(s), State Laboratory, or any facility owned or lease, operated, or under the direct control of the Department of Administrative Services.~~

### 003 Bidding

~~The Department of Administrative Services shall request formal bids and/or proposals for the operation of all desired vending businesses, including a specific invitation to bid to the Department of Public Institutions Division of Rehabilitation Services for the Visually Impaired pursuant to the provisions of Section 83-210.07, R.R.S., 1943. The normal bidding procedures of the Materiel Division shall be followed as outlined in Sections 81-145 through 81-163.~~

### 004 Contract

~~The Department of Administrative Services shall enter into a contractual agreement with the successful vendor responding to requests for proposals of operation in a specific location. The successful vendor shall be determined as outlined in Sections 81-1145 through 81-163.~~

~~**TITLE 7 - DEPARTMENT OF ADMINISTRATIVE SERVICES -  
BUILDING DIVISION**~~

~~**CHAPTER 7 - RULES AND REGULATIONS GOVERNING  
PROCEDURES FOR FACILITY CONSTRUCTION PROJECTS**~~

~~**001 Authority**~~

~~001.01 The responsibility of the State Building Division of the Department of Administrative Services for development of procedures in the capital construction process is contained in the following statutes:~~

~~001.01A Section 81-161.01 R.R.S. 1943 Cumulative Supplement, 1981; Competitive bids, time required to elapse between notice and opening of bid waiver.~~

~~001.01B Section 81-1108.15 R.R.S. 1943 Cumulative Supplement, 1980; State Building Division; functions and responsibilities; facilities planning, construction, and administration.~~

~~001.01C Section 81-1108.16 R.R.S. 1943 Cumulative Supplement, 1980; State Building Administrator; review program statements and contracts; file reports; contents; lease; approval of Department of Administrative Services.~~

~~001.01D Section 81-1108.41 R.R.S. 1943 Cumulative Supplement, 1980; New facility; planning, design, construction; modification or repair of existing facility; program statement; appropriation for drawings and construction; contracts; approval; report; contents.~~

~~001.01E Section 81-1108.42 R.R.S. 1943, Contract for construction, reconstruction, remodeling or repair of capital facility, final payment; conditions.~~

~~001.01F Section 81-1114.01 R.R.S. 1943 Cumulative Supplement, 1981; Capital construction project; plan required, contents; revisions required; to whom submitted.~~

~~001.01G Section 81-1709 R.R.S. 1943 Cumulative Supplement, 1980; Project, defined.~~

~~001.01H Section 81-1711 R.R.S. 1943 Cumulative Supplement, 1980; Department of Administrative Services, Department of Roads; project; procedures.~~

## **002 Definition of a Project**

~~002.01 Any capital facilities planning or construction of a project which is executed by an agency.~~

~~002.01A A single construction project.~~

~~002.01B A grouping of minor construction, rehabilitation, restoration, or renovation activities.~~

~~002.01C A grouping of substantially similar construction, rehabilitation, restoration, or renovation activities.~~

## **003 Legal Requirement for Professional Consultants Selection Process**

~~003.01 The selection process shall apply to all state agencies.~~

~~003.02 The professional consultants selection process is required for projects whose basic construction cost~~

~~003.03 The selection process shall not apply to projects for which the agency is able to~~

~~reuse existing drawings, specifications, and other documents from a prior project.~~

**004 Information to be submitted by the agency to the State Building Division for Professional Consultant's Contract, shall include, but not limited to the following.**

004.01 Funding

004.01A LB number and section

004.01B year and legislative session

004.01C amount(s)

004.01D program numbers

004.01E agency number

004.02 Project

004.02A purpose of the contract (program statement, preliminary plans, bidding and

004.02B location (county number by DAS designation, town or campus)

004.02C description of the project

004.02D statewide building inventory number

004.03 Contract

004.03A copy of proposed contract (unsigned by agency)

004.03B name of firm (firm's location)

004.03C recommendation by agency director

004.03D recommendation by agency project manager

004.03E fee basis

004.03F review by the agency's legal counsel or by the Attorney General of the State of Nebraska

004.04 Certification by the agency for compliance with the Nebraska Consultants-Competitive Negotiations-

**005 Comprehensive Capital Facilities Plan**

005.01 As required by Section 81-1114.01, each department and agency of the state, prior to submitting a capital construction project in excess of one hundred thousand dollars (\$100,000) shall cause to be prepared a comprehensive capital facilities plan.

~~005.01A~~ Copies of the comprehensive capital facilities plan and all revisions shall be submitted to the State Building Division, the State Budget Division, and the

~~005.02~~ Agencies which are responsible for individual departments, campus or institutions, shall develop an agency-wide plan. Such plan shall have the approval of the agency director or the associated governing board.

~~005.03~~ All comprehensive plans shall be updated and revised when a major capital construction project

~~005.03A~~ Copies of the updates and revisions shall be submitted to the State Building Division, the State Budget Division, and the Legislative Fiscal Office.

## **006 Program Statement**

~~006.01~~ A program statement is required of all projects whose estimated total project cost exceeds \$100,000. No contract for 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.

~~006.01A~~ Copies of all program statements shall be submitted to the State Building Division, the State Budget Division, and the Legislative Fiscal Office on or before September 15th of the year previous to the initiation of an appropriation for drawings and construction.

~~006.02~~ Information to be submitted by the agency to the State Building Division for program statement review, shall include, but not limited to the following:

~~006.02A~~ Funding (LB number and section, year and legislative session, program

~~006.02B~~ Project (description of the project, location-county number by DAS

~~006.02C~~ Comprehensive plan compliance

~~006.02D~~ Copy of the program statement

~~006.02E~~ Budget (total cost, cost per gross square foot, fiscal impact)

~~006.02F~~ Time line

## **007 Preliminary Plans/Design Development/Life Cycle Cost Analysis**

~~007.01~~ Legal Requirements

~~007.01A~~ A preliminary plan submittal and review shall apply to all agencies with

~~007.01B~~ No project working drawings shall be developed and no funds shall be

~~007.02~~ Information to be submitted by the agency to the State Building Division for

~~preliminary plan-~~

~~007.02A Funding (LB number and section, year and legislative session, agency~~

~~007.02B Project (description of the project, location-county number by DAS~~

~~007.02C Copy of preliminary plans~~

~~007.02D Copy of preliminary specifications~~

~~007.02E Copy of the life cycle cost analysis~~

~~007.02F Submit professional consultant's written estimate of total construction cost.~~

~~007.02G Budget (total estimated cost, cost per gross square foot, fiscal impact)~~

~~007.02H Program statement compliance~~

~~007.02I Compliance with the guidelines for tree removal on state property~~

~~007.02J Time line~~

## **008 Construction Documents**

~~008.01 Legal Requirements~~

~~008.01A A construction document submittal and review shall apply to all capital~~

~~008.02 Information to be submitted by the agency to the State Building Division for construction documents-~~

~~008.02A Construction documents (plans and specifications)~~

~~008.02B Professional consultant's estimated total construction cost.~~

~~008.02C Compliance with the approved program statement, preliminary plans and~~

~~008.02D Time line~~

## **009 Bidding Process**

~~009.01 Legal Requirement~~

~~009.01A The public notice shall appear once a week for three (3) consecutive weeks in a statewide publication and in the locality of the project. The notice shall not appear on a weekend or holiday.~~

~~009.02 Pre-bid conference~~

~~009.02A~~ Notify the State Building Division of time and location.

## **010 Construction Contract**

~~010.01~~ Information to be submitted by the agency to the State Building Division for construction contract

~~010.01A~~ Copy of proposed contract (unsigned by agency)

~~010.01B~~ Funding (LB number and section, year and legislative session, agency

~~010.01C~~ Project (description of the project, location-county number by DAS

~~010.01D~~ The bid tabulation report by agency

~~010.01E~~ Agency director's and project manager's recommendation of award of bid.

~~010.01F~~ Approval of construction contracts by legal counsel or the Attorney General of the State of Nebraska.

~~010.01G~~ Professional consultant's recommendation of award of bid

~~010.01H~~ Revised budget

~~010.01I~~ Time/cost schedule (monthly)

## **011 Construction**

~~011.01~~ Documents to be submitted by the agency to the State Building Division during the construction of

~~011.01A~~ Capital Construction Quarterly status reports

~~011.01A1~~ Required on all projects which total project cost exceeds five

~~011.01A2~~ The State Building Division may require progress reports to be

~~011.01B~~ Change Orders

~~011.01B1~~ Reasons for the change orders

~~011.01B2~~ Required on all projects whose total project cost exceeds one

~~011.01B3~~ The State Building Division may require change orders be submitted

~~for projects whose total cost is less than one hundred thousand dollars (\$100,000).~~

~~011.01C~~ All certificates of payments for projects whose total project cost exceed one hundred thousand dollars (\$100,000) shall be submitted to



~~the State Building Division for approval.~~

## **012 Final Completion**

~~012.01 State Building Division approval of final payment request.~~

~~012.01A The agency shall file with Director of Administrative Services a certification~~

## **013 Final Report**

~~013.01 Legal Requirements~~

~~013.01A Submittal of final report to the State Building Division on projects whose~~

~~013.01B The State Building Division may require the final report on projects whose total cost is less than five hundred thousand dollars (\$500,000).~~

~~013.02 Final Report shall be submitted thirty (30) days after final payment and shall include, but not limited to the following:~~

~~013.02A Project (location, county name and number by DAS designation, town or~~

~~013.02B Final budget (update of construction budget and total project cost per square foot)~~

~~013.02C Change orders and modifications in detail~~

~~013.02D Certification that the construction complied with the approved program~~

~~013.02E Evaluation of consultant by the agency, shall include, but not limited to the~~

~~013.02E1 Conformance with professional service agreement~~

~~013.02E2 Conformance with budget requirements~~

~~013.02E3 Conformance with time line~~

~~013.02E4 Project Management~~

~~013.02E5 Planning and design~~

~~013.02F Evaluation of contractor by the agency, shall include but not limited to the~~

~~013.02F1 Conformance to construction agreement~~

~~013.02F2 Quality of workmanship~~

~~013.02F3 Conformance with time line~~

013.02F4 Project Management

013.02F5 General comments

**014 Site and Structure Naming**

~~014.01 Information to be submitted by the agency to the State Building Division for review of the proposal~~

~~014.01A Site of structure~~

~~014.01B Location (county name and number by DAS designation, town or campus,~~

~~014.01C Previous name or description and reason for the change (including statewide building inventory number)~~

~~014.01D Proposed name (name, reason for name, evidence for support)~~

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~~TITLE 7, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 2~~

~~DEPARTMENT of ADMINISTRATIVE SERVICES  
STATE BUILDING DIVISION~~

~~RULES AND REGULATIONS ON  
LEASING PRIVATELY OWNED REAL PROPERTY~~

~~NEBRASKA ADMINISTRATIVE CODE~~

~~TITLE 7, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 2~~

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# NEBRASKA ADMINISTRATIVE CODE

LAST ISSUE DATE: ~~\_\_\_\_\_~~ (September 11, 1990)

## ~~Title 7 - DEPARTMENT OF ADMINISTRATIVE SERVICES~~

### ~~Chapter 2 - LEASING PRIVATELY OWNED REAL PROPERTY~~

~~001—Rules and Regulations governing the leasing of privately owned real property. Under authority of and in compliance with Neb. Rev. Stat. Sections 81-161 through 81-161.01, 81-1108.15, 81-1108.16, 81-1108.17, 81-1108.22, 81-1108.55, 81-1108.56 and 81-1108.57, Reissue Revised Statutes of Nebraska, the following rules and regulations are prescribed by the Department of Administrative Services and are effective from December 1, 2004 until revoked or amended. These procedures shall be used as a guideline by all Agencies, Boards or Commissions (herein referred to as “Agency”) when requesting the leasing of real property unless specifically exempted by statute.~~

~~001.01 The agency seeking space shall needs to submit a detailed Leasing Requisition for Real Property form, which can be found on the State Building Division (SBD) website, incorporated herein by this reference and available from the Department of Administrative Services, State Building Division, to the State Building Division SBD for the space desired. The requisition shall include all general information and any specific requirements necessary to locate and obtain space suitable to the needs of the requesting agency. Space needs shall be based on space guidelines developed by the State Building Division, incorporated herein by this reference and available from the State Building Division. The information submitted to State Building Division shall include, but is not limited to the following items:~~

~~001.01A—An explanation of the circumstances that have caused~~

~~the need for this space (i.e. federal grant, legislative bill, program, expansion, etc.).~~

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~~001.01B—An explanation of what the proposed space is to be used for (storage, office, lab, etc.) and the proposed location.~~

~~001.01C—An explanation of how this space will fit into the requesting agency's present plan of operation. (Expand existing office, new office location, regional or district office, etc.).~~

~~001.01D—A statement certifying that funds are available in the requesting agency's budget to support the proposed lease and any related costs. Indicate fund(s) and program(s) used to support lease total cost.~~

~~001.01E—A listing of special needs or requirements (i.e. plumbing, electrical, mechanical, voice/data/fax links, etc.).~~

~~001.01F—Explanation of any other relevant information or justification for space desired.~~

~~**002**—The State Building Division will review the Leasing Requisition for Real Property. Based on the information received, the State Building Division will determine if the request is valid; if so, the State Building Division will proceed with obtaining approval from the Director of the Department of Administrative Services to proceed with procuring the requested space, either state-owned, government owned or privately owned.~~

~~**003**—Upon approval by the Director of the Department of Administrative Services and after determining that all statutory requirements have been met, the State Building Division shall, in cooperation with the requesting agency and based on space guidelines, prepare the necessary detailed specifications for a Request for Proposals (RFP) and arrange for a public notice to be made in a paper of general circulation in the area where the proposed space is desired or required.~~

~~003.01 The public notice shall contain the following:~~

~~003.01A—A general description of the property desired.~~

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~~003.01B—Instructions on how to obtain a Request for Proposals packet.~~

~~003.01C—The time and place proposals are to be opened.~~

~~003.01D—Contact for alternate Request for Proposals packet format.~~

~~The Public Notice shall be published at least one time, no less than fifteen days, prior to the deadline established for the receipt of proposals, in a paper of general circulation in the area where the proposed space is desired.~~

~~Attendance by all interested vendors, at a pre proposal meeting may be mandatory depending on the type of space desired. This will be stated in the Request for Proposals packet.~~

~~**004**—All Requests for Proposals shall specify utilization of the standard property lease agreement for the State of Nebraska, incorporated herein by this reference, (the State's current lease agreement will be included in the RFP packet and is available from the State Building Division). The Department of Administrative Services, State Building Division will be the Lessee and the requesting agency will be the Tenant Agency on all leases.~~

~~An addendum or attachment may be submitted with the State's standard lease agreement outlining specific conditions and/or requirements of the proposal; however, acceptance of the addendum or attachment will be contingent upon the approval of the State Building Division, Tenant Agency, and legal counsel for the Department of Administrative Services.~~

~~All leases MUST contain the clause '...if sufficient appropriated funds are not available to the Lessee and/or Tenant Agency for the purpose of paying necessary operating expenses including rentals on the premises, this lease shall terminate at the election in writing of either party hereto. If at any time it appears that appropriations will be depleted in the future, or not sufficient to pay necessary operating expenses of the Lessee and/or Tenant Agency including rentals hereunder, notice of such fact and the~~



~~estimated date of depletion shall be given promptly to Lessor. If only a portion of the funds sufficient to pay the necessary operating expenses of the Lessee and/or Tenant Agency including rentals hereunder are appropriated, the lease may~~

~~be kept in force with a prorated share of the space and corresponding rental decreased. Any such reduction shall be agreed upon by Lessor, Lessee and Tenant Agency.'~~

~~Also required in each lease is a cost breakdown by cost per square foot, total square feet (storage, office, common area, service area, lab, etc.) and total annual cost. Additional lease costs must be stated in the lease agreement (i.e. utilities, janitorial, parking, snow removal, trash removal, lawn care, pest control, etc.).~~

~~**005**—The State Building Division will be responsible for opening sealed bids and preparing a bid summary for use by the requesting agency. The bid summary and a copy of all proposals received will be given to the requesting agency.~~

~~If site inspections of all or some of the proposed spaces are necessary, the State Building Division will coordinate these inspections. A representative from the State Building Division shall be included in all site inspections of all spaces proposed. After a review of all proposals and site inspections by the requesting agency and the State Building Division, a written recommendation by the requesting agency will be made to the State Building Division specifying the most acceptable proposal and corresponding justification for that recommendation. This recommendation shall be made in accordance with the evaluation criteria developed by the requesting agency and included as a part of the Request for Proposals packet as well as statutory provisions which specify the criteria to be considered in determining the contract award which is determined to be in the best interest of the State of Nebraska (Section 81-161, Reissue- Revised Statutes of Nebraska, 1943.) The Department of Administrative Services will be the final authority on the proposal selection and award of contract.~~

~~**006**—Upon approval by the Director of the Department of Administrative Services and the State Building Division of the agency's recommendation of contract award, the State Building Division will proceed in finalizing a lease agreement with the successful vendor (Lessor) based on the bid specifications and bid proposal. Copies of the lease agreement will be sent to the Lessor for review and signature(s) and then returned to the State Building Division for final review and approval by the State Building Division, verification from the Budget Division as to the availability of sufficient agency appropriations to fund the lease and approval and signature by the Director of the Department of Administrative Services.~~

~~Once all reviews, approvals and signatures have been obtained, the State Building Division will return one fully executed copy of the lease agreement to~~

~~the Lessor and prepare a Space Allocation Agreement between the Lessee and the Tenant Agency. The Space Allocation Agreement is a binding agreement between the Tenant Agency and the State Building Division guaranteeing reimbursement by the Tenant Agency to Lessee for all rentals and associated lease costs paid to Lessor by the Lessee. A copy of the lease agreement will be attached to the Space Allocation Agreement.~~

~~The proposed lease agreement shall not take effect until executed by all required parties and the premises are ready for full legal occupancy.~~

~~**007** If a lease agreement cannot be successfully executed between the State Building Division and the Lessor, a new Request for Proposals may be issued.~~

~~**008** These rules and regulations shall apply either wholly or in part to all State Agencies, Boards and Commissions in the following situations:~~

~~008.01 When obtaining new space, these rules and regulations, in their entirety, may not apply if the proposed lease cost is less than \$2,500.00 per year and/or not more than 1,000 square feet of space provided the State Building Division determines that the cost per square foot is in line with the current prevailing rental rates in the area.~~

~~008.02 When an existing lease containing a renewal option is to be exercised with the same terms and conditions; and if it is determined by the Lessee and/or the Tenant Agency that this extension is in the best interest of the State, the Lessee shall begin the lease extension process with the Lessor. A copy of the correspondence or the fully executed addendum exercising such option shall be sent to the Tenant Agency by the State Building Division along with a revised Space Allocation Agreement.~~

~~008.03 When an existing lease does not contain specific language for lease extension and the Lessee and Tenant Agency determine an extension would be in the best interest of the State, the State Building~~

~~Division, in cooperation with the Tenant Agency will initiate lease extension negotiations with the Lessor. A copy of the correspondence or the fully executed addendum will be sent to the~~

~~Tenant Agency along with a revised Space Allocation Agreement.~~

~~008.04 — When an existing lease is to be altered to reflect a change in cost, square footage or any other terms and/or conditions, upon approval by the Lessor, Lessee and Tenant Agency, the revised lease or addendum shall be submitted to the Lessor by the State Building Division for approval. When the lease or addendum is fully executed, the State Building Division will provide the Tenant Agency with a copy of the lease or addendum and a revised Space Allocation Agreement reflecting any changes made in the lease.~~

~~008.05 — When an existing lease and all renewal options are about to expire and the Tenant Agency and the Lessor desire to negotiate an extension of the lease, the State Building Division will determine if negotiations to extend the current lease term or if a formal Request for Proposals is in the best interest of the State.~~

~~008.06 — If an agency feels they have a special situation not covered in these rules and regulations or have legitimate reasons why the formal bid process should be waived, explanation of the situation and the particular request shall be submitted to the State Building Division for review and approval by the Director of the Department of Administrative Services.~~

~~009 — When space is available in a facility owned by a political subdivision and this site would meet the space requirements of the Tenant Agency, the formal~~

~~Request for Proposals process may be waived and direct negotiations by the State Building Division with the facility owner/manager may be initiated to meet specific space needs.~~

~~010 — A grievance and protest procedure, incorporated herein by this reference, is available by contacting the State Building Division. A grievance or protest must be filed by a vendor within ten (10) days after notification of intent to award a lease contract.~~



~~011—The State Building Division will provide the Appropriations Committee and the Committee on Building Maintenance a report on the amount of property leased by the State and the availability of State-owned property for the needs of State agencies on an annual basis.~~

