

CHAPTER: 400

Physical Plant/Facilities

DEPARTMENT ORDER:

401 – Prison Construction

**OFFICE OF PRIMARY
RESPONSIBILITY:**

AS

Arizona Department of Corrections

Department Order Manual

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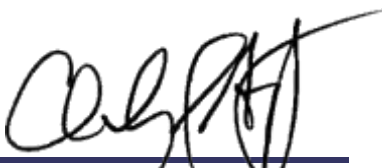
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Charles L. Ryan, Director

TABLE OF CONTENTS

PURPOSE	1
APPLICABILITY	1
PROCEDURES	1
1.0 PROJECT MANAGEMENT	1
2.0 REQUESTS FOR CAPITAL PROJECTS AND BUILDING RENEWAL	2
3.0 IMPLEMENTING APPROVED PROJECTS	4
4.0 WALK-THROUGH INSPECTIONS	4
5.0 PROJECT COMPLETION	6
6.0 REQUEST FOR DESIGN CHANGE NOTICE OR A CHANGE ORDER	6
7.0 WARRANTIES	7
8.0 WARRANTY REPAIRS	7
IMPLEMENTATION	8
DEFINITIONS/GLOSSARY	8
FORMS LIST	8
AUTHORITY	9

PURPOSE

This Department Order establishes the requirements for prison construction, contracted work and warranty repair work.

APPLICABILITY

This Department Order applies to all prison construction and matters related to facilities, planning, modification, expansion, construction and capital outlay. Private prison facilities modification and expansion shall be specified by contract.

PROCEDURES

- 1.0 **PROJECT MANAGEMENT** – A Department of Corrections (Department) Project Manager shall be assigned to all projects as determined by the Engineering and Facilities Bureau Administrator to assume oversight of the project as required.
 - 1.1 Projects administered by the Arizona Department of Administration (ADOA) General Services Division – Construction Services Division Office (ADOA Construction Services), shall have two project managers as follows:
 - 1.1.1 The ADOA Project Manager, who shall administer the design and construction contracts.
 - 1.1.2 The Department Project Manager assigned by the Engineering and Facilities Bureau, who shall serve as the liaison between ADOA and the Department to represent the Department’s interests.
 - 1.2 Projects with an estimated cost of more than \$25,000 may be managed by ADOA Construction Services. ADOA may choose to defer the project management to the Department when the source of funding is entirely internal to the Department.
 - 1.3 The Engineering and Facilities Bureau shall determine if projects with an estimated cost of up to \$25,000 are to be managed by the Engineering and Facilities Bureau or prison complex staff.
 - 1.4 Minor Projects are all projects with a cost under \$5,000 that do not require architect/engineer services.
 - 1.4.1 Wardens, Deputy Wardens, and Administrators shall provide supervision and ensure all code and regulatory requirements are met.
 - 1.4.2 A courtesy copy of all work that is less than \$5,000 shall be submitted to the Engineering and Facilities Bureau to track the fixed assets program at each institution. Documentation submitted for all affected projects shall include an itemization of all equipment purchased with related inventory control numbers for the Fixed Asset Report.
 - 1.4.3 Projects under \$5,000 requiring the services of technical registrants **DO NOT QUALIFY AS MINOR PROJECTS** (i.e., canopies, handball courts, shade structures or new building construction). These projects shall follow the approval process as outlined in section 2.0, subsection 2.3 of this Department Order.

2.0 REQUESTS FOR CAPITAL PROJECTS AND BUILDING RENEWAL

- 2.1 Capital Projects consist of any of the following which exceed \$5,000 in cost, regardless of the funding source:
 - 2.1.1 Addition of an infrastructure or structure, which is physically connected to an existing structure or infrastructure and increases the overall physical size or capacity, to include fencing, communications systems and security devices.
 - 2.1.2 Alteration and renovation, including modification or revision of an existing structure or infrastructure, such as renovation or remodeling.
 - 2.1.3 Construction of new structures or infrastructures.
 - 2.1.4 Demolition of a structure or infrastructure.
- 2.2 Building renewal consists of any major repair or reworking of a structure which exceeds \$5,000 in cost, regardless of the funding source.
 - 2.2.1 This includes upgrading infrastructures, which will result in maintaining the expected length of time that a structure will be useful (i.e., major re-roofing and fire alarm system restoration).
 - 2.2.2 Building renewal does not include:
 - 2.2.2.1 New construction.
 - 2.2.2.2 Landscaping and area beautification.
 - 2.2.2.3 Infrastructure replacement or repairs.
 - 2.2.2.4 Routine or preventive maintenance.
 - 2.2.2.5 New paving or resurfacing of an area unless it had previously been capitalized as part of the original cost of the structure.
 - 2.2.2.6 Demolition and removal of a structure.
- 2.3 Approval Process for Capital or Building Renewal Projects
 - 2.3.1 When initiating a request for a capital or building renewal project, Wardens or Administrators shall submit a completed Project Request, Form 401-1, through the chain of command to the appropriate Division Director/Assistant Director. The project request shall contain the following:
 - 2.3.1.1 A set of detailed plans describing the project.
 - 2.3.1.2 A letter of justification supporting the project.
 - 2.3.1.3 Identification of the funding source.
 - 2.3.1.4 An estimate of the cost of the project.

- 2.3.2 The appropriate Division Director/Assistant Director or designee shall:
 - 2.3.2.1 Review the project request to ensure consistency with security and operational needs and appropriate funding. If funded by the Department, the appropriate Division Director/Assistant Director or designee shall ensure the expense is within the budget of the institution/facility or Division.
 - 2.3.2.2 Forward approved project requests to the Engineering and Facilities Bureau Administrator.
- 2.3.3 Within 30 calendar days of receipt of a project request:
 - 2.3.3.1 The Engineering and Facilities Bureau Administrator shall:
 - 2.3.3.1.1 Review the project request and associated documents.
 - 2.3.3.1.2 Determine if the project has been appropriately identified.
 - 2.3.3.1.3 Identify any technical registration requirements.
 - 2.3.3.1.4 Identify any regulatory requirements, including asbestos regulations.
 - 2.3.3.1.5 Insure compliance with Department Prison Physical Plant Standards.
 - 2.3.3.1.6 Submit project requests that exceed \$100,000 in cost with associated documentation for approval, through the Division Director for Administrative Services, to the Director. For project requests of \$100,000 or less, the Division Director for Administrative Services shall be the final approving authority.
 - 2.3.3.2 The Division Director for Administrative Services shall forward approved projects to the Engineering and Facilities Bureau Administrator, who shall assign a Department Project Manager to establish a project work plan and to distribute approved copies to be implemented by the affected facility or Division.
- 2.3.4 A Project Completion Report, Form 401-2, for all completed projects shall be provided to the Engineering and Facilities Bureau Administrator and shall include:
 - 2.3.4.1 A description of the project.
 - 2.3.4.2 Total of all costs for completion for the Building Inventory report.
 - 2.3.4.3 Copies of all regulatory permits and approvals (Department of Forestry and Fire Management, etc.).
- 2.3.5 If for any reason, it is determined that an approved project cannot be implemented, the Warden or Administrator shall notify the appropriate Division Director/Assistant Director in writing, requesting cancellation of the project.

- 2.3.5.1 When the project is not related to safety or security issues, the appropriate Division Director/Assistant Director shall make the determination to cancel the project.
- 2.3.5.2 When the project is related to safety or security issues, the appropriate Division Director/Assistant Director shall notify the Director in writing, requesting determination as to whether or not to cancel the project.
- 2.3.6 The appropriate Division Director/Assistant Director shall notify the Warden or Administrator, in writing, of the final determination. A copy of the determination shall be provided to the Engineering and Facilities Bureau Administrator for appropriate follow through.

3.0 IMPLEMENTING APPROVED PROJECTS

- 3.1 The Warden, Deputy Warden, Administrator or Physical Plant Manager/Administrator shall:
 - 3.1.1 Ensure any Department institution/facility wishing to undergo renovation or demolition has an Environment Protection Agency (EPA)-accredited building inspector, certified under the Asbestos Hazard Emergency Response Act, thoroughly inspect the demolition or renovation site for the presence of asbestos and silica that may be liberated.
 - 3.1.1.1 The Occupational Safety Consultant (OSC) shall assist in coordinating inspection and notification activities, or perform these functions if qualified.
 - 3.1.2 Provide a National Emission Standards for Hazardous Air Pollutants (NESHAP) notification to the Arizona Department of Environmental Quality (ADEQ) or to any county with delegated authority (Maricopa, Pima, Pinal) for all demolitions and renovation activities at least 10 workdays prior to the demolition or renovation activity.
 - 3.1.3 If regulated asbestos-containing material is present at the project, ensure all other EPA requirements, including notification and emissions control, are met.

4.0 WALK-THROUGH INSPECTIONS

- 4.1 Walk-through inspections shall be used to determine whether contracted work conforms with:
 - 4.1.1 The contract documents - Agreements between the state and the contractor broadly outlining the project requirements. Contract documents are the basis of the construction documents.
 - 4.1.2 The construction documents - Plans and specifications prepared by a technical registrant that fully defines the project requirements outlined in the contract documents.
- 4.2 When the contractor informs the registrant or the Department Project Manager that the project is substantially complete, the Department Project Manager shall schedule a walk-through inspection with the following in attendance:

- 4.2.1 The Department Project Manager.
 - 4.2.2 The project architect/engineer from the firm responsible to the State for the design of the construction project.
 - 4.2.3 A representative of the contractor.
 - 4.2.4 The Physical Plant Manager/Administrator of the institution where the project is located.
 - 4.2.5 The Warden or Administrator of the institution where the project is located.
 - 4.2.6 The Arizona Correctional Industries (ACI), when the project is an ACI-initiated project.
 - 4.2.7 The ADOA Project Manager, if applicable.
- 4.3 The Department Project Manager shall:
- 4.3.1 Notify the appropriate regulatory agencies, Bureau Administrators and/or operational staff of the scheduled walk-through inspection. For example, when the project involves a health facility, the Department Project Manager shall notify the Assistant Director for Health Services Contract Monitoring Bureau.
 - 4.3.2 Conduct the walk-through inspection and develop the official punch list. In the absence of a Department Project Manager, the project architect/engineer shall conduct the walk-through inspection and develop the official punch list of work considered unacceptable or unfinished in accordance with the terms of the contract and construction documents.
 - 4.3.3 While conducting the walk-through, record on the punch list:
 - 4.3.3.1 The work that is not in conformance with the contract documents.
 - 4.3.3.2 Comments made by representatives from regulatory agencies, including but not limited to, the Department of Forestry and Fire Management, ADOA Construction Services, Arizona Department of Health Services and ADEQ.
 - 4.3.4 When all official punch list items have been resolved, schedule a second walk-through inspection to verify completion of the construction project.
- 4.4 After all of the punch list items have been resolved and the second walk-through inspection has been completed, the project architect/engineer shall:
- 4.4.1 Issue a written and signed statement declaring, in his or her professional judgment, the work has been completed in accordance with the contract documents.
 - 4.4.2 If the project engineer/architect and the members of the walk-through inspection team mutually determine the construction project is substantially completed, the project engineer/architect shall:

- 4.4.2.1 Issue a Certificate of Substantial Completion.
- 4.4.2.2 Provide a copy of the certificate, statement and official punch list to all persons who participated in the walk-through inspection and to the parties responsible for completing and accepting the work.
- 4.5 The Department may accept possession of a construction project at any time after the Certificate of Substantial Completion has been issued.
- 4.6 Before accepting possession of the project, the Department Project Manager shall schedule on-site, technical training, which is required by contract, covering specialized systems, such as security, mechanical systems and water.
 - 4.6.1 The ADOA Project Manager shall advise the Engineering and Facilities Bureau and the Warden of the institution where and when the training is to be conducted.

5.0 PROJECT COMPLETION

- 5.1 The Warden, Deputy Warden, Administrator, or Physical Plant Manager/Administrator shall, no later than 30 calendar days after completion of a project, forward the following documents through the chain of command to the appropriate Division Director/Assistant Director, then to the Engineering and Facilities Bureau Administrator:
 - 5.1.1 A Project Completion Report form.
 - 5.1.2 Sketches and/or as built drawings that show a detailed description of the project.
 - 5.1.3 Copies of all regulatory approvals and the "Certificate of Substantial Completion," issued by the appropriate technical registrant.

6.0 REQUEST FOR DESIGN CHANGE NOTICE OR A CHANGE ORDER

- 6.1 Wardens, Deputy Wardens and Administrators shall submit to the Engineering and Facilities Bureau Administrator a written, detailed explanation, including proposed solutions to problems that are identified, when requesting one of the following:
 - 6.1.1 A design change notice to the project architect/engineer.
 - 6.1.2 A change order, to the contractor, the Department Project Manager and the project architect/engineer, authorizing a change in the construction documents.
- 6.2 The Department Project Manager shall evaluate the request and submit a written recommendation to the Engineering and Facilities Bureau Administrator for review and decision.
- 6.3 The Engineering and Facilities Bureau Administrator shall:
 - 6.3.1 Forward approved requests that pertain to construction projects administered by ADOA to the ADOA Project Manager for decision and, if approved, for implementation.
 - 6.3.2 Forward approved requests that pertain to construction projects that are administered by the Department to the project architect/engineer for implementation.

7.0 WARRANTIES

- 7.1 The Department requires contractors to perform warranty repair work. When a contractor fails to perform the warranty repair work in accordance with the provisions of this Department Order, the Department may complete the repair work and seek reimbursement, for the expenses incurred, from the responsible contractor/manufacturer.
- 7.2 The Physical Plant Manager/Administrator shall serve as the Warranty Coordinator and shall designate an Alternate Warranty Coordinator who shall have the authority and responsibility to perform the Coordinator's functions when the Coordinator is absent.
 - 7.2.1 The Warranty Coordinator shall maintain:
 - 7.2.1.1 An updated list of all buildings and systems that are covered by a warranty.
 - 7.2.1.2 An updated schedule of all equipment under warranty and their warranty period.
 - 7.2.2 Before authorizing repairs to, or replacement of parts on any building or system, the Warranty Coordinator shall determine if a valid warranty, covering the specific failure exists.
 - 7.2.3 The Warranty Coordinator shall avoid, whenever possible, any action that may void a warranty.
 - 7.2.4 When a valid warranty exists and the repair cost is estimated to exceed \$1,000, the Warranty Coordinator shall contact the contractor regarding the terms of the warranty. The Warranty Coordinator shall also provide informational copies of the Warranty Notification, Form 401-3, to parties listed at the bottom of the form.
 - 7.2.5 If there is no warranty covering the specific failure, or if the warranty has expired, the Warranty Coordinator shall ensure the necessary repairs/replacements are completed in accordance with the appropriate written instruction.

8.0 WARRANTY REPAIRS

- 8.1 The Warranty Coordinator shall evaluate all failures to determine if the failure is covered by a warranty and if so the allowable time frame for a response and completion of the repairs based on the urgency of the failure.
 - 8.1.1 Emergency failures require immediate institutional action to resolve imminent threats to health, life, safety or a security system failure.
 - 8.1.1.1 When the Warden, Deputy Warden or Duty Officer, determines an emergency situation exists, he/she shall authorize immediate action to control the emergency and prevent greater loss.
 - 8.1.1.2 Upon determination that the failure is covered by a warranty, the Coordinator shall complete a Warranty Notification form, notify the Engineering and Facilities Bureau Administrator of the emergency and work with the contractor.

- 8.2 The Warranty Coordinator may extend the allowable time frame, provided the contractor has submitted a written request and has documented that the problems requiring the extension are beyond the contractor's control. The Warranty Coordinator shall:
- 8.2.1 Arrange for the repairs, determine if the contractor intends to make the repairs when the general contractor refuses or is unable to make the repairs within the specified time period, and contact the Engineering and Facilities Bureau Administrator.
 - 8.2.2 Ensure the repair person(s) check-in upon arrival and check-out with the Coordinator when departing. The Coordinator shall record the time of arrival and time of departure on the Warranty Notification as part of the documentation of the services performed.
 - 8.2.3 Reach an agreement with the (sub)contractor's representative on the specific repairs to be performed and document the agreement in a letter to the recipients of the Warranty Notification.
 - 8.2.4 Monitor all on-site repairs done by any contractor in response to a warranty claim request to ensure compliance with the repair agreement.
 - 8.2.5 In the event the contractor fails to respond and/or restore the building/system to operating condition within the specified time period:
 - 8.2.5.1 Telephone the general contractor and repeat the reporting process described above.
 - 8.2.5.2 Send a Warranty Notification documenting the telephone calls that is clearly marked "Second Request," to the contractor if correction has not been completed within the time frames specified.
 - 8.2.6 Arrange for the work to be performed by qualified personnel/contractors if the general contractor has taken no action to correct the situation within three calendar days after the second request to obtain warranty work for urgent and/or general repairs has been made.
 - 8.2.7 Ensure each warranty claim is fully documented.

IMPLEMENTATION

The Division Director for Administrative Services shall update and maintain the Physical Plant Standards Technical Manual.

DEFINITIONS/GLOSSARY

Refer to the Glossary of Terms

FORMS LIST

- 401-1, Project Request
- 401-2, Project Completion Report
- 401-3, Warranty Notification

AUTHORITY

A.R.S. §32-142, Public Works
A.R.S. §34-103, Employment of Technical Registrants For Work On Public Buildings and Structures; Direct Selection; Final List Selection; Public Competition
A.R.S. §34-201, Notice of Intent to Receive Bids And Enter Contract; Procedure; Doing Work Without Advertising For Bids; County Compliance
A.R.S. §34-451, Energy Conservation Standards For Public Buildings
A.R.S. §34-461, Applicability of Local Codes; Exceptions; Definition
A.R.S. §37-321, Permission Required For Person Other Than Holder Of Certificate Of Purchase To Make Improvements; Forfeiture For Failure To Obtain Permission; Report Of Improvements
A.R.S. §37-321.01, Rights to Water Used on State Land; Definition
A.R.S. §40-441, Commission Safety Regulations, Rules and Orders; Definitions
A.R.S. §41-511.04, Duties; Board; Partnership Fund; State Historic Preservation Officer; Definition
A.R.S. §41-790, Definitions
A.R.S. §41-791.01, Powers and Duties Relating to Facilities Planning and Construction; Exemption
A.R.S. §41-861, Agency Responsibilities
A.R.S. §41-1492, Definitions
A.R.S. §41-1492.01, Prohibition of Discrimination by Public Entities
A.R.S. §41-1609.02, Establishment of Private Prison Facilities; Notice; Hearing
A.R.S. §41-4002, Office of Manufactured Housing; Purpose
A.R.S. §45-101, Definitions
A.R.S. §49-104, Powers and Duties of the Department and Director
A.A.C. R18-2-1101, Title 18, Environmental Quality – National Emissions Standards for Hazardous Air Pollutants