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**Rules of  
Office of Administration  
Division 30—Design and Construction  
Chapter 3—Capital Improvement and Maintenance  
Program**

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## Title 1—OFFICE OF ADMINISTRATION

### Division 30—Design and Construction Chapter 3—Capital Improvement and Maintenance Program

#### 1 CSR 30-3.010 Rule Objectives and Definitions

*PURPOSE: This rule states the objectives of the rules of the Office of Administration and defines terms used in the rules under this chapter for implementing the Capital Improvement and Maintenance Program as established by appropriations.*

(1) The following objectives are covered in the rules of this chapter:

(A) To establish a consistent procedure for defining projects and establishing funding allocation;

(B) To establish consistent procedures for coordinating designer selection, for negotiating design contracts and for projects designs;

(C) To establish consistent procedures for accomplishing the work on projects; and

(D) To establish consistent procedures for payment, acceptance and occupancy of projects.

(2) The following definitions will apply to terms used in rules under this chapter:

(A) Definitions as established under 1 CSR 30-2.020, 1 CSR 30-2.030 and 1 CSR 30-2.040(1)–(7);

(B) Budget items. The terms budget or budget items, as used in these regulations, refer to the executive budget (or an item in it) as submitted by the governor to the general assembly;

(C) Construction manager. The construction manager is the individual designated by the Division of Design and Construction to provide management and coordination of project work with the department/agency, the designer and the contractor. The construction manager shall be a state employee or consultant as designated by the director;

(D) Contingency. Contingency, as used in these regulations, refers to funding (from within an appropriation) set aside during the planning of a project. Contingency funding, set aside during the planning, is utilized to support unexpected or unforeseen requirements within the scope (size, capacity, special features) of a project which arise during design or progress of the work. Project scope is established by the language of appropriations and/or budget submissions;

(E) Director. Director, as used in these rules, will be interpreted to mean the director, Division of Design and Construction,

representing the Office of Administration, state of Missouri;

(F) Designer. The term designer, as used in these regulations, refers to the individual or firm that is responsible for preparation of plans and specifications for a project;

(G) Functional element. Functional element or using element, in these rules refers to the division, institution, section or other activity within a department/agency, which will occupy and use a completed project;

(H) Line item. A line item, as used in these rules, is an item which has been specified or defined in an appropriation. Line items also include the specific limitations of cost and/or scope. The scope established by line items in appropriations will frequently be further defined and explained in the budget items submitted to the general assembly;

(I) Nonappropriated funds. The term nonappropriated funds, as used in these regulations, refers to funding derived or received from any source other than an appropriation by the general assembly;

(J) Program. Program, as used in these rules, will be interpreted to mean the Capital Improvement and Maintenance Program; and

(K) Project manager. The project manager is the individual designated by the Division of Design and Construction to provide management and coordination of project design and to provide the professional/technical review of project design and/or change during construction work.

(3) This rule becomes effective with the appropriation for fiscal year 1983.

*Auth: sections 8.310, RSMo (Supp. 1987) and 8.320, RSMo (1986). \* Original rule filed July 9, 1981, effective Feb. 15, 1982.*

*\*Original authority: 8.310, RSMo (1958), amended 1965, 1984, 1987 and 8.320, RSMo (1958), amended 1965.*

#### 1 CSR 30-3.020 Project Definition and Fund Allocation

*PURPOSE: This rule sets forth the procedures and methods for defining projects and for determining fund allocation from state appropriations.*

(1) Initial Coordination. The initial coordination for programs supported with Capital Improvement and Maintenance Appropriations will establish the basis for expeditious planning and timely completion of projects. The initial coordination will include program and project definition, project fund allocation and scheduling of design and project work.

Each department/agency for which a Capital Improvement and Maintenance Appropriation is provided shall provide the director with a written outline indicating the department/agency's concept for implementing the program established by the appropriation. The department/agency, after coordination with the capital improvements manager in the Division of Design and Construction shall, submit the written outline within fifteen (15) calendar days after the appropriation is passed and signed. The initial coordination will be completed within forty-five (45) calendar days after the appropriations have been passed and signed.

(A) Program Manager. Each department/agency will designate a Capital Improvement and Maintenance Program Manager. The program manager will act for the department/agency in implementing the program established by appropriations.

1. Department/Agency. Within the guidance provided by the policies of the department/agency, the program manager will have the responsibility and authority for internal coordination and approvals for projects in this program. The program manager will be familiar with the details of priorities, scope, cost and justification data in the budget submission of the department/agency.

2. Division of Design and Construction. As an alternative when a department/agency Capital Improvement and Maintenance Program is too small to justify the expertise necessary for the program coordination and supervision, the Office of Administration will consider a request to designate an employee of the Division of Design and Construction as the program manager. A memorandum of understanding establishing the conditions and responsibilities of each party and signed by the commissioner of administration and the department director must be accomplished. Based on the memorandum of understanding, the Division of Design and Construction will then manage the program and will provide coordination with the department/agency in defining projects and funding, as well as review of design and work on projects.

(B) Project Manager. The Division of Design and Construction will designate project managers by geographic area, agency, site/location or specific project as appropriate for all projects within the Capital Improvement and Maintenance Program.

1. Responsibility.

A. Director, Division of Design and Construction. The director will act as consultant, serving as the owner's representative for all department/agencies. The director is the authority for determining scope and funding of projects and programs within the Capital Improvement and Maintenance Appropriations.

The director shall carefully review the appropriation and, when s/he deems it appropriate, consult with the appropriation committees to determine the legislative intent. The director shall review and approve all payments for consultants or project work, plans, specifications, contracts and change orders under the program.

**B. Project managers.** The project manager, within guidance provided by the director, will be responsible for professional and technical supervision of projects to include scheduling, coordinating, designing and accomplishing the work.

**(C) Program Definition and Scheduling.** The project manager will review, in coordination with the program manager, the program established by the Capital Improvement and Maintenance Appropriation. The purpose of this initial coordination is to review the department/agency program concept and determine the scope of the program and the scope of work for individual projects. During this review, priorities will be established for the individual projects along with requirements for coordination and scheduling of phases or elements of design, bidding and completion of the work for each project. This schedule will be used to monitor the progress of the program implementation.

**1. Nonappropriated funds.** Projects involving nonappropriated funds, which result in acquisition or construction of facilities to be partially or fully operated and/or maintained by Missouri, are considered to be part of the Capital Improvement and Maintenance Program. Initial coordination for these projects shall be accomplished within forty-five (45) calendar days after notification or establishment of commitment or authorization for the projects. The program manager of the department/agency will advise the director of the notification or authorization so that initial coordination can be accomplished within the forty-five (45) calendar-day period.

**2. Projects requiring state contracts.** Prior to acceptance of nonappropriated support funding for projects requiring state contracts, an agreement will be developed between the state and the donor or grantor. This agreement will include conditions for encumbrance, expenditure, fiscal control, project contracts, project management and project acceptance as well as the role and responsibilities of the state and the donor or grantor. The agreement and any subsequent changes shall be approved by the commissioner of administration or his/her designee.

**(2) Project Definition.** Project, as well as program definitions, are established by the language of the appropriations and the budget submission.

**(A) Appropriation Language.**

**1. Specific line items.** Appropriation items frequently define specific work items for a specific facility at a specific site/complex. Work items clearly within the scope defined in an appropriation line item may be scheduled and accomplished.

**2. Combination of budget items.** An appropriation line item may combine several budget items in a single broadly defined scope and provide a total funding for the combined items. Work items or projects scheduled and accomplished must be within the scope defined in the appropriation.

**3. Combination of appropriation items.** Work authorized by several appropriation line items may be combined into a single project when the director determines that this combination is in the best interest of the state. The director, in considering this combination, shall carefully examine the language of the separate appropriation line items to determine that the appropriation language does not prohibit this combination and that all work proposed is within the purpose and intent of the appropriations. The director, in defining this project, shall insure that the proposed scope of work for any item within the combined project does not exceed the scope authorized by the appropriation items. Combination of appropriation items may involve combining construction, maintenance and repair items into a single project under a single contract. With the concurrence of the Division of Purchasing, these combinations may also include items, such as personal property or installed function equipment, which are funded from operating budget appropriations.

**(B) Budget Language.** Budget items submitted to the legislature for review in the appropriation process have defined scope and purpose. Absent specific definitions of scope in the appropriation, the scope identified in the budget items will be used to establish project limits. Construction or maintenance/repair projects may not include items of work which are not a part of the approved scope.

**(3) Project Fund Allocation.** Expenditure limitations and fund sources are established by the language of the appropriations and the budget.

**(A) Appropriation Language.** The appropriation language establishes the fund source (appropriation, donation, grant, etc.) and the expenditure limitations for a program, project or work item as defined in the appropriation. Expenditures must remain within the limitations specified in the appropriations.

**(B) Budget Item Cost Estimates.** Absent contrary appropriation language, the cost estimates presented to the legislature in the budget will be used to define expenditure limitations for individual budget items.

Expenditures shall not be made for work not included in the approved scope of work.

**1. Limitations.** Total expenditure for a project defined in a single budget item shall not exceed the limitation defined in the appropriation or the budget item. Within the limitations established for an item in the appropriation and/or estimated cost in the budget, reasonable variations in cost for individual subitems (as indicated in the budget) will be permitted. Reasonable variations in cost for individual site/complexes (as indicated in the budget) will be permitted where several site/complexes are involved in a single budget item.

**2. Elimination of subitems.** Subitems or site/complexes included in a budget item will not be eliminated unless the scope and/or expenditure limitations for the budget item are reduced in the appropriation. Appropriation language will be examined to determine whether funding for specific subitems or site/complexes was denied or eliminated. Absent specific denials or exclusions in an appropriation which reduces funding requested in the budget submitted to the legislature, lesser priority subitems or site/complexes may be eliminated to bring the budget item within the expenditure limitations of appropriations.

**3. Combination of appropriation items.** Funding authorized by several appropriation items may be combined to fund a single project when the director determines that this combination may be in the best interest of the state. These combinations may be considered for similar work at several locations within a single department or for various items of work at a single location. The scope of work for this project and the items so combined shall remain within the total of the authorizations of the several appropriations. The director shall carefully examine the appropriation language to determine that the total of the funding for the combined project is within the total of the funding authorized by the appropriations. The director shall insure that the funding or expenditure from any appropriation item does not exceed the amount authorized by that appropriation item.

**(C) Projects Involving Nonappropriated Funds.** Fund allocation for projects involving appropriations by the general assembly and nonappropriated funds will be established in the initial coordination and specifically defined in the agreement between the state and the donor or grantor. This agreement will also establish the method for control and release of donated or grant funding to include final payment. The agreement and any subsequent changes shall be approved by the commissioner of administration or his/her designee.

(4) Exemptions. There are specific exemptions from requirements of this rule provided by the *Missouri Constitution* of 1945 and by statute.

(A) Department of Highways and Transportation projects and expenditures for highway construction and highway maintenance are exempted from the provisions of this rule by Article IV, Section 29, *Missouri Constitution* of 1945.

(B) Institutions of higher learning, community junior colleges and the Department of Conservation are exempted by section 8.310, RSMo from provisions of this rule which require coordination with, or approval by, the commissioner of administration, Division of Design and Construction or both for defining projects, determining fund allocation or for approval of contracts or payments.

(5) This rule becomes effective with appropriations for Fiscal Year 1983.

*Auth: sections 8.310, RSMo (Supp. 1987) and 8.320, RSMo (1986). \* Original rule filed July 9, 1981, effective Feb. 15, 1982. Emergency amendment filed June 14, 1985, effective July 1, 1985, expired Oct. 29, 1985. Amended: Filed June 14, 1985, effective Aug. 26, 1985.*

*\*Original authority: 8.310, RSMo (1958), amended 1965, 1984, 1987 and 8.320, RSMo (1958), amended 1965.*

### 1 CSR 30-3.030 Project Design

**PURPOSE:** *This rule sets forth the procedure for design of Capital Improvement and Maintenance projects.*

**Editor's Note:** *The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.*

(1) Selection of Designer. Selection of an agency or consultant firm for design of projects in the Capital Improvement Maintenance Program will be made within seventy-five (75) calendar days after the appropriations are passed and signed. Department/agencies are encouraged to make recommendations for selection of designers for projects included in their program. These recommendations shall be forwarded to the director within seven (7) calendar days after completion of initial coordination.

(A) Design by Department/Agency. The department/agency may recommend in-house design for those projects within their capability and capacity. The director will concur with this recommendation unless there appears to be a substantial question of capability or capacity. The director will be the determining authority for questions of department/agency capacity and/or capability for design of projects.

(B) Design by Division of Design and Construction. The director shall examine projects remaining after selections for in-house department/agency design. Those projects for which the Division of Design and Construction has the capability and capacity may be selected for in-house design by that division.

(C) Design by Consultants. Private consultants will be selected by the director for design of the balance of the projects in the program established by the Capital Improvement and Maintenance Appropriations. It is the policy of Missouri to provide the greatest possible opportunity for qualified and competent consultants to participate in this program. The director shall maintain a file of consultant firms who have expressed interest in the program. This file shall include notations of specific areas of interest, experience or expertise as expressed by each consultant firm.

1. Department/agencies may make recommendations for selections of consultants for design of projects not selected for in-house design. Recommendation of consultants will be based on knowledge of, or experience with, these consultants on current or prior projects. Recommendations shall address, when appropriate, the need for special expertise or continuity between current and previous or proposed future work. The recommendations also shall indicate projects for which the department/agency cannot provide knowledgeable recommendations.

2. The director, Division of Design and Construction, acting as consultant for department/agencies, will select consultants for projects in the Capital Improvement and Maintenance Program after giving careful consideration to recommendations by the client department/agencies. Selection of consultant firms will be made after full consideration of professional and technical competence, as well as experience, special expertise and capacity necessary for studies and/or design of proposed projects.

A. Primary consideration will be given to providing opportunities for as many competent consultants as possible. Consultants who have not been retained for recent state projects will be given priority consideration in selections for new projects.

B. In those projects or programs where continuity is a significant factor, consideration will be given to continued retention of a consultant already engaged for existing projects or programs.

#### (2) Consultant Firm Design.

##### (A) Responsibilities.

##### 1. Division of Design and Construction.

A. Contracts. The director will negotiate contracts for consultant studies and/or design. These contracts will be negotiated on the basis of a reasonable fee considering scope, difficulty, research, disciplines involved and proposals by the selected consultant. The director shall reserve the right to approve additional consultants retained by the selected consultant for work on the project or study.

B. Supervision and approval of design or study. The director shall be responsible for periodic review and approval of studies and/or designs for projects in the program. Reviews shall include examination of technical adequacy as well as economy of materials and methods. In addition, reviews shall examine estimated costs to assure that projects remain within funding authorizations. Those reviews shall be coordinated with the department/agency concerned.

C. Approval of payments. The director shall be responsible for review and approval of consultants' requests for payment. Approval of payment to consultants will be based on review and approval of work completed to the date of the payment request. When the director is authorized to approve payments for a department/agency, copies of each payment will be forwarded to the appropriate department/agency.

D. Communications. All official communication and direction to the consultant shall be issued by the director or his/her designee. This will not limit informal communication or coordination between consultants and department/agencies. All conflicts between the consultant and a department/agency shall be resolved by decision of the director.

2. Department/agency. The program manager shall be responsible for internal department/agency coordination and approval within guidance established by the policies of the department/agency.

A. Encumbrance of design funding. When the contract for design is signed by the department/agency, it will be returned to the director along with the encumbrance for the amount of the contract. The department/agency also may provide authorization for the director to approve expenditures within the amount of the encumbrance.

B. Communication. Official communication concerning projects and studies will be between the department/agency and the Division of Design and Construction. The department/agency and particularly the using element can make a valuable contribution to understanding requirements and problems for the project. Informal communication and working conferences between the department/agency/site personnel and the consultant are essential to successful completion of a project. Knowledgeable personnel from the department/agency, site/complex or both shall be made available for consultations and site visits by the consultant. The consultant, by prior arrangement, shall have access to the project site at reasonable times.

3. Consultant. The consultant is responsible for establishing the concept and planning for the project, as well as providing completed designs, studies or both as indicated in consultant contract. For project design, the consultant is responsible for providing plans and specifications to fully describe the equipment, materials and work for completion of the project in accordance with the criteria, funding and scope provided by the director. Periodically, as scheduled in the contract, the consultant will submit work for review and approval. The submissions will include estimated costs for all project work. When estimates for the complete project work exceed allocated funding, the consultant immediately shall notify the director, recommending adjustments and requesting further instructions before proceeding with additional design and/or study. Acceptance of the contract by the consultant includes acceptance of the adequacy of allocated funding for the work and the responsibility for redesign, if necessary, to establish a scope of project work within allocated funding.

A. Communication. Official communications for all designs and/or studies will be with the director. This will include all submissions for approval or payment, recommendations for modifications of scope or other guidance and resolution of any differences or problems encountered. Informal and working conferences with department/agency and site/complex personnel are essential and encouraged. Records and conclusions reached at those conferences will be forwarded as recommendations for the director's review and approval.

B. Payments. Payment method and/or periods will be as stipulated in the consultant contract. Payment will be made after review and approval of work and/or demonstrated progress. After receipt by the director, review, approval and administration processing of payment requests in the Office of Administration shall be completed within fifteen (15)

working days. Where there appear to be differences between the payment request and the demonstrated progress, those differences shall be resolved by decision of the director. Review, approval and administrative processing shall then be completed within fifteen (15) working days after resolution of these differences.

(3) Design Review. Designs and/or studies will be submitted to the director for review and approval. The reviews will be commensurate with the scope, complexity and cost of the work. Response to the designer shall be completed within ten (10) working days after receipt by the project manager in the Division of Design and Construction. One (1) complete copy of each submission will be forwarded by the designer to the department/agency simultaneously with the submission to the director. Comments by the department/agency, if any, will be forwarded to the Division of Design and Construction within five (5) working days after receipt of the design or study by the department/agency. Department/agency comments, along with comments of the Division of Design and Construction, will be used as the basis for response to the designer. Adjustment of review period for large projects, projects requiring coordination with other agencies or for unusual or complex designs, may be granted by the commissioner of administration or his/her designee.

(A) Pre-design Conference. A pre-design conference will be scheduled by the project manager with the designer and the program manager of the department/agency concerned. The project definitions established in the initial coordination will be reviewed to confirm or adjust project criteria, scope, cost, scheduling and funding allocation. Initial fund distribution for the cost elements of the project will also be reviewed to confirm or adjust this fund distribution. Limitations and/or requirements expressed in the appropriation language shall be carefully observed to assure that the project scope, costs and funding remain within the authorization of the appropriations. The designer must agree that the scope of work can be accomplished within the available funding. When appropriate, the pre-design conference will be held at the project site to assure that all parties are familiar with the conditions under which the work will proceed and that accommodations necessary to support the work are available. The design schedule begins with completion of the pre-design conference. After that, no changes will be made in the scope or funding of projects without written approval of the director.

(B) Design Review Submissions. Normally, a minimum of three (3) design review submissions shall be made. These submissions will be

required at approximately twenty percent (20%), fifty percent (50%) and one hundred percent (100%) of design completion to provide for timely review of technical and economic considerations in the design. For minor projects, the first two (2) submissions, with the approval of the director, may be combined to provide design reviews at fifty percent (50%) and one hundred percent (100%) of design completion.

1. Schematic. Initial submission (approximately twenty percent (20%)) shall provide drawings and an outline of specifications, in sufficient detail to demonstrate the proposed concept for arrangement, as well as the criteria and general parameters used for architectural, electrical, mechanical and structural development. Proposed innovative methods or development shall be presented in sufficient detail to permit a review in depth. An estimate shall be submitted in sufficient detail to demonstrate the costs of the various elements of work as well as the total cost for completion of all project work. A copy of all items in the schematic submission will be furnished to the functional element that will occupy or use the completed project. Comments and/or recommendations of this functional element will be forwarded simultaneously to the Division of Design and Construction and the department/agency within five (5) working days after receipt by the functional element. Comments by the department/agency will also be forwarded to the Division of Design and Construction. The project scope and cost estimate shall be reviewed carefully to assure compliance with requirements and/or limitations of appropriation language. Approval by the director of schematic submission will indicate acceptance of or required revisions to, scope, criteria, design parameters and cost estimate.

2. Design development. The second submission (approximately fifty percent (50%)) shall provide drawings and outline specifications to indicate general architectural, electrical, mechanical and structural development of the approved concept. The development shall clearly demonstrate sizes, capacities and arrangement. Sufficient details shall be included to define major elements of architectural and structural work and to define sizing, location, routing and application of mechanical and electrical equipment and/or work. An estimate shall be submitted in sufficient detail to demonstrate costs of the various elements of work as well as the total cost for completion of all project work. The detail shall indicate costs for major items of equipment as well as a breakdown of labor and material costs for each trade with significant work on the project. When the first two (2) design review submissions are combined, a copy of all items