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Teeny Simmons

From: McKim, Cindy <Cindy.McKim@boa.alabama.gov>
Sent: Monday, March 12, 2012 11:15 AM
To: 'Teeny Simmons'
Subject: Design-Build Regulation

Hi, Teeny.

As always, it was great to see you in Seattle! I'm mailing some copies of our "Do I need an Architect??" brochure today, as you requested.

Shown below is the text of our design-build regulation. I hope you find it helpful.

100-X-5-.09 Design-Build

A registered architect may combine with a licensed general contractor or a professional engineer in order to participate in a design-build undertaking whereby the architect prepares plans and specifications through individual or collective agreements with the owner or contractor in order to meet the owner's requirements for unified control in the design and construction services rendered under the following conditions:

(a) That nothing herein shall be construed so as to allow the offering or other performance of any architectural services by anyone who is not duly licensed as an architect in this state;

(b) That full disclosure is made in writing to the owner as to the duties and responsibilities of each of the participating parties in such agreements;

(c) The architect shall not furnish any services in such a manner as to enable a contractor, owner or others to perform architectural services or to evade the public health and safety requirements;

(d) The architect shall not seal drawings, specifications, reports or other professional work which was not prepared by or under the responsible control of the architect.

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DESIGN/BUILD BY CONTRACTORS

Contractors, without in-house registrants, offering "design/build" services are in no way authorized to perform actual architectural, engineering, or landscape architectural services. Such professional services must be performed by duly qualified registrants in conformity with the provisions of Tennessee Code Annotated (T.C.A.), Title 62, Chapter 2, and the Board's Rules of Professional Conduct.

Contractors may offer "design/build" services to the public without having to comply with the firm disclosure and supervision requirements of T.C.A., Title 62, Chapter 2, Part 6, provided no "architectural," "engineering," or "landscape architectural" services are offered in-house. In such event, any contractor without in-house registrants offering design/build services should have organized the design team, comprised of Tennessee registered architects, engineers and landscape architects competent in the work to be performed, prior to the time services are formally proposed. Additionally, qualified Tennessee registrant(s) shall be involved in any activity in preparation for or leading to a signed contract. Members of the design team should be included in any meeting with clients in which the project is discussed.

Any plans, specifications, and/or reports which are part of a proposal, and all subsequent construction documents, shall be prepared and sealed by the registrant(s) having responsible charge of the project. Any person offering design/build services should make every effort to ensure proper coordination of design drawings for the project.

Adopted 10-22-92
Revised and adopted 7-18-97
Revised and adopted 4-25-02
Revised and adopted 1-9-03