



2021 CPSM issued July 15, 2021

The 2021 edition of the Construction and Professional Services Manual (Rev. 0) was issued on July 15, 2021. A PDF of the current CPSM edition along with DEB Notice 071521 summarizing the significant changes from the prior Manual version are both available on the DEB website.

CPSM changes were made to reflect recent legislative changes, updated legal interpretations and administration initiatives, and to improve communication and business operations. Because some changes are a result of changes to the Code of Virginia, these changes require immediate compliance. Therefore, a CPSM revision is effective on the date issued for all projects that do not have an approved CO-6 or working drawings approved by DEB. See CPSM Section 3.2.5.1 for how these changes impact A/E services and contracts.

Some of the more notable changes to the CPSM will be summarized in this article. The Virginia Energy Conservation Code (VEES) updates in Appendix V are discussed in a separate article.

Applicable Building Code (VUSBC) Updates

In accord with the Code of Virginia and as adopted by DHCD, effective July 1, 2021 the 2018 Virginia Uniform Building Code (including Part I Virginia Construction Code and Part II Virginia Existing Building Code) is applicable to state-owned buildings and structures and to buildings and structures built on state-owned property. Various updates throughout the revised CPSM were made for the 2018 VUSBC. Issued under separate cover, DEB Notice 063021 describes when the 2015 VUSBC may be applied to specific projects, and when it is mandatory for the 2018 VUSBC to be the applicable code.

Form Submittal Requirements

As a result of legislative changes to the list of Tier III agencies and allow for Job Order Contracting (JOC), and to clarify forms needed for the various construction procurement methods, Figure 1.3.1 was revised in its entirety.

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Job Opportunities

DEB is currently looking for qualified applicants for the following positions:

- Business Operations Specialist
- State Review Architect
- State Review Mechanical Engineer
- Capital Outlay Reviewer

For more information check the [DGS Job opportunities](#) on Jobs.Virginia.gov .

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Posting of Contracts on eVA

As a result of legislative change, Contracts for professional services, Contracts for construction, A/E Term Contracts, A/E Term Contract Project Orders, emergency construction procurement, JOC Contracts, and awarded JOC job orders are required to be posted on eVA in accord with the requirements of the Division of Purchases and Supply (DPS). Applicable sections in Chapters 3, 7, and 8 were updated.

Bid Receipt Date

Because it is mandatory that eVA is used when formally soliciting written construction bids, Agencies shall now access eVA to establish a bid receipt date in lieu of contacting DEB. Various sections of the CPSM were revised for this update.

Special Procedures for Urethane Flooring Containing Mercury

To assure the health, safety, and welfare of building occupants in State buildings, procedures were added in Section 4.14 for State agencies to identify potential hazards in their facilities associated with pourable urethane flooring systems and address them.

Prevailing Wage Determination from DOLI

As a result of a legislative change, the Prevailing Wage Law, effective May 1, 2021, mandates the rates of pay, benefits and other remuneration and applies to contracts for public works valued at more than \$250,000. Section 7.0.1.3 was added to describe the application of this new law, and to identify how agencies are to obtain an official, project specific Wage Determination from the Department of Labor and Industry (DOLI) and how to include this information in the project's bid documents.

Electric Vehicle Parking Spaces and Charging Stations

As a result of legislative change, charging stations for fleet vehicles are required (Sections 4.4.5 and 6.2.7.4.3). In addition to this law, a new CPSM policy was added to require new parking lots and parking structures to include electric vehicle parking spaces with the quantity based on the number of new parking spaces. The policy for electric vehicle parking spaces and charging stations is in the newly created Appendix G. If an agency chooses to add electric vehicle charging stations to an existing parking lot or parking structure without adding parking spaces, the charging stations shall meet the criteria of Appendix G.

Small Business Set Asides for Construction

As a result of legislative change, the monetary limits requiring DSBSD certified small businesses for construction have changed, and the procedures for soliciting bids for the various ranges of construction cost have been modified in Section 7.0.6.1.2.

Level of Authority

In accord with the Code of Virginia, the various Levels of Authority and their associated operating policies are describe in Section 7.5.3.3. When an alternate method of construction procurement is used for a project, an information page is required in the Project Manual identifying the alternate method of construction procurement. The acceptable use of DGS forms and formats modified for alternate method of construction procurement is described in Section 7.5.3.3.2.



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Payment of Prevailing Wage on Public Works Contracts

The COV 2.2-4321.3 <https://law.lis.virginia.gov/vacode/2.2-4321.3/> statute requiring prevailing wages to be paid on public works with a contract value of greater than \$250,000 projects became effective May 1, 2021. The Department of Labor and Industry <https://www.doli.virginia.gov/prevailing-wage-law/> has established the method for creating Wage Determinations and is responsible for establishing reporting procedures and the enforcement of the requirements of the law. The Construction and Professional Services Manual (CPSM) <https://dgs.virginia.gov/globalassets/business-units/bcom/documents/deb-notices/2021-05-17-deb-notice-051721---prevailing-wage-determination-by-doli.pdf> Section 7.0.3.1 has been added to provide instructions for agencies on how to comply with the law. The General Conditions of the Construction Contract (CO-7 series, 4/2021 edition) https://dgs.virginia.gov/globalassets/business-units/bcom/documents/forms/dgs-30-054_04-21_co-7.pdf Section 3 (m) has been added to include the General Contractor responsibilities to comply with the law. The CM @ Risk Contract - Part 2 (Construction Phase Services) CO-9CM(2) <https://dgs.virginia.gov/search/documents-and-forms/?filter=DEB> has been updated to account for the potentially differing wage determinations for Construction Management early release packages which occurred prior to May 1, 2021.

The application of prevailing wage to contracts may differ for some Institutions of Higher Education that have been granted special procurement authority. These Institutions of Higher Education must evaluate the application of the law based on their Management Agreements, and provide the Division of Engineering and Buildings a written declaration for Pool Funded projects on whether the law applies to each project.

The Division of Engineering and Buildings is gathering data related to the cost for prevailing wages for inclusion in the Construction Cost Database <https://dgs.virginia.gov/globalassets/business-units/bcom/documents/budget-development---cost-database/cost-database-summary.pdf>, and the database will be updated when adequate data is available. The Department of Planning and Budget (DPB) and the Six-Year Capital Outlay Planning Advisory Committee (6PAC) have been advised of the potential increase in construction costs. The Division of Engineering and Buildings has developed a procedure to advise DPB and the 6PAC on the costs resulting from prevailing wage requirements on Pool and General Fund projects that have not been awarded. The CR-1 Project Planner <https://dgs.virginia.gov/search/documents-and-forms/?filter=DEB> has been updated to address prevailing wages in future Capital Budget Requests.

As we gain experience with the application of the new prevailing wage requirements and the impacts to state-owned public works, keep an eye out for DEB Notices <https://dgs.virginia.gov/engineering-and-buildings/deb-notices/about-deb-notices/> updates. Contact your Lead Reviewer if you have questions about the CPSM instructions or Pool and General Fund funding issues related to prevailing wage. Contact Mike Coppa if you have any questions on the applicability of the law to your specific circumstances or have recommendations on how to better manage this process.

2018 Virginia Energy Conservation and Environmental Standards (VEES)

The latest version of VEES was effective July 1, 2021. This edition is titled 2018 edition to remain consistent with the Virginia Construction Code cycle and incorporates the 2018 International Green Construction Code (IgCC).

Recent changes to the High Performance Buildings Act mandate that executive branch agency or institutions entering design phase for the construction of a new building and exceeding the threshold size shall comply with VEES. Please note, the thresholds have not changed and remain as new construction $\geq 5,000$ ft² (additions are new construction), or renovations $\geq 50\%$ of the value of the building (to buildings $\geq 5,000$ ft²). The 2018 VEES has three paths to compliance, LEED Certified, Green Globes Certified, or compliance with VEES itself. In addition, the 2018 VEES has both prescriptive and performance based compliance path options to best fit VEES to the proposed construction project.

One of the biggest changes is the addition of a mandatory compliance section to meet specified requirements of the revised High Performance Buildings Act. This mandatory section shall be met regardless of the chosen compliance path. Included in this section are infrastructure provisions for electrical vehicles as well as mandatory tracking and reporting of energy efficiency and carbon equivalent emissions.



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Demolition Permits for State Owned Buildings and Structures

It's only a matter of time before most buildings and structures reach the end of their useful life. Building systems eventually break down. Materials and components corrode and crumble. Let's face it – things get old and eventually need to be repaired, replaced, or even entirely removed. Beyond the mere physical condition of buildings and structures, sometimes it is the result of changing programs and consolidation efforts that render certain existing buildings obsolete and no longer viable to maintain.

So, what happens next? This article establishes the governing requirements for demolition permits and summarizes the process necessary for state agencies to obtain approval to demolish existing buildings and structures which no longer serve a functional purpose. The information and tools presented here should help in facilitating the demolition permitting process.



Governing Code Requirements for Demolition Permits

Chapter 1 of the 2018 Virginia Construction Code (VCC), officially adopted on July 1, 2021, sets forth the requirement that the State Building Official must issue a permit for the demolition of buildings and structures on state property. Specifically, VCC 108.1 states the following: *"Application for a permit shall be made to the building official and a permit shall be obtained prior to the commencement of any of the following activities ... 1) Construction or demolition of a building or structure ... 4) Removal or disturbing of any asbestos containing materials during the construction or demolition of a building or structure, including additions."*

Provisions specifically targeted to demolition activities can also be found in VCC 117.3. This section speaks to issues such as the release of utilities, notification of adjacent property owners (if applicable), and physical safeguards around the site which are further explained in VCC Chapter 33.

Most agencies are familiar with the process of applying for and obtaining a building permit for new construction and renovations. A standard building permit is identified as a CO-17 form. Note that most renovation projects involve some amount of selective demolition. Such incidental work is typically accounted for in the CO-17 building permit and is not permitted separately as described in the remainder of this article.

However, some new construction projects (stand alone or additions) require the complete demolition of an existing building or structure in order to accommodate the proposed work. This demolition scope would typically be permitted separately with a CO-17.1 form. There are also occasions where a building may need to be demolished for various other reasons while no other construction or renovation work is planned. This would almost always be permitted separately with a CO-17.1 form. If in doubt, agencies are encouraged to contact DEB as early as possible to determine if and when a separate demolition permit is required.

Demolition Permits and Supporting Documentation

While the VCC establishes the requirement to obtain a demolition permit, the Virginia Construction and Professional Services Manual (CPSM) provides specific instructions so that agencies can know exactly how this process works. The 2021 edition of the CPSM, Revision 0, is in effect as of July 15, 2021. This document is immediately enforceable. Visit the [DEB website](#) for an online version of the current CPSM edition as well as a summary of recent changes.

The applicable sections of the CPSM which address the demolition of buildings and structures are 8.4.2, 8.4.12, and 8.7.3. First and foremost, a reference to the Code of Virginia, [§ 2.2-2402-B](#), is provided to reiterate the fact that approval by the Governor to remove any building from state property is a legal mandate for all agencies.

CPSM 8.4.12 is probably the most useful section since it contains a list of items that must be submitted to DEB in support of a demolition permit request. The current version of the CO-17.1 demolition permit form can be downloaded from the [DGS forms center](#). This form is updated from time to time, so agencies are advised to download a new form each time a permit request is submitted. Several recent changes to the form include:

a new drop-down list for the building construction type classification based on the applicable building code

The screenshot shows a portion of the CO-17.1 Demolition Permit form. The 'Type of Construction' dropdown menu is open, displaying a list of building types: Type I-A (2000 to present), Type I-B (2000 to present), Type II-A (2000 to present), Type II-B (2000 to present), Type III-A (2000 to present), and Type III-B (2000 to present). Other fields visible include 'Date of Construction', 'Gross Area (square feet)', 'Structural Condition', 'Assessed Condition', 'Original Use / Occupancy', 'Existing Use / Occupancy', 'Architect's Name (if known)', 'Reason for Demolition', 'Photographs of the Exterior and Interior', and 'Estimated Cost of Demolition'.

clarifications to asbestos and lead survey and abatement

The screenshot shows the bottom portion of the CO-17.1 Demolition Permit form. It includes the 'Date of Asbestos Survey' field, a checkbox for 'No Asbestos found', and a statement: 'If Asbestos found, owner certifies that the Asbestos Project Design or Asbestos Management Plan is to be performed as part of the demolition work'. There is also a checkbox for 'Date Abatement Completed'. Below this is the 'Date of Lead-Based Paint Test (If present, comply with VOSHA and EPA for demolition and disposal)' field.



additional options to assist the agency with demonstrating the intent for the release of utilities

Release by Utilities (VUSBC Section 117.3)	Date of prior release (or N/A)	Owner certifies that utility will be released prior to demo activities
Gas:		<input type="checkbox"/>
Electric:		<input type="checkbox"/>
Water:		<input type="checkbox"/>
Sewer:		<input type="checkbox"/>
Steam:		<input type="checkbox"/>
Other:		<input type="checkbox"/>

The Art and Architectural Review Board (AARB) as well as the Department of Historic Resources (DHR) must both consent to the demolition of the proposed building(s). Proof of this consent is typically provided in the form of a letter or email from each entity. Note that some agencies may be exempt from this requirement.

Hazardous materials, including asbestos and lead, must be identified and abated in buildings proposed to be demolished when such buildings were constructed prior to January 1, 1985. This is a legal requirement set forth in the Code of Virginia, [§ 36-99.7](#) and is enforceable throughout the Commonwealth. While this section speaks only to asbestos, DEB applies this requirement to lead materials as well, consistent with requirements for renovations as found in CPSM 4.13.5 Item 2.

Beyond these items, the agency is required to submit interior and exterior photographs of the building along with a site plan or aerial photo showing the location of the building. Often, reports produced by hazardous material survey companies or as part of a submission to the AARB or DHR already contain such photos. In this case, it is not necessary for the agency to obtain additional photos.

Demolition Permitting Process

It is important to note that permits for building demolition are processed manually as opposed to typical building permits, which are processed through the Building Information and Tracking System (BITS) portal. Once the agency has assembled all of the required documentation and has completed the CO-17.1 demolition permit form, all documents must be submitted via email to capout@dgs.virginia.gov.

DEB will then log in the project, review the information provided by the agency, and respond directly to the agency representative for further direction as necessary. Many times, this is a back-and-forth communication process to ensure that all requirements have been met. The check list shown here has been developed as a simple tool to assist agencies in collecting and organizing all required submission components.

An executed CO-17.1 demolition permit will be returned to the agency once all items have been received and approval is recommended by DEB. The main takeaway is that demolition permits are processed in an entirely different manner than typical building permits. The VCC establishes the requirement for obtaining demolition permits and the CPSM provides detailed guidance on the submission requirements in support of a demolition

DEB Welcomes Dr. Raka Goyal

Dr. Raka Goyal is a Professional Engineer who recently joined DEB as a State Review Civil/Structural Engineer. Raka earned her Ph.D. in Infrastructure and Environmental Systems with a concentration in Civil Engineering (Structures) from the University of North Carolina at Charlotte in 2015 and her Master's degree in Civil Engineering (Structures) from the University of Houston in 2009. Raka has over 25 years of broad-based civil and structural engineering experience in research, teaching, and design of structures, contracts, cost-estimation, planning, and proposals. She previously obtained her Bachelor's degree in Civil Engineering from Gujarat University in Ahmedabad, India, and worked for 18 years in Indian Oil Corporation Ltd. She last held an NRC Research Associateship Award by the National Academies of Sciences, Engineering and Medicine at the Federal Highway Administration Turner-Fairbank Highway Research Center in McLean, Virginia. Raka has published and reviewed papers in several peer-reviewed journals and presented her work in national and international conferences.



DEB Notices

Three DEB Notices were issued between April and July 2021:

- [071521](#) 2021 Edition - Construction & Professional Services Manual - Revision 0
- [063021](#) Applicable Building Code for State-Owned Buildings and Structures
- [051721](#) Prevailing Wage Determination by the Department of Labor and Industry (DOLI)

These notices can be found in the [DEB Notices section](#) of the [DEB Website](#).



DEB Form Updates

DEB issued form revisions in June and July 2021. The forms listings below identify the forms that were revised and describes the changes to the affected forms.

Form Name	DGS Form #	Version	Alternate ID #
DEB Forms Master List	DGS-30-000	07-21	(DEB Forms List)
DEB Forms Master List	DGS-30-000	06-21	(DEB Forms List)

Reminders and Tips

- CPSM Section 4.3, Life Safety Code indicates that the NFPA 101 (Life Safety Code) applies to state hospital and health care facilities accredited by The Joint Commission and accepting federal Medicare/Medicaid funds, and that DEB does not review for NFPA 101 compliance.
- CPSM Figure 5.11.2, Other Document Submissions indicates agency submission requirements to coordinate with the Regional Fire Marshal's Office and the Department of Health.
- NFPA 101 (Life Safety Code) inspections for accreditation by The Joint Commission and to accept federal Medicare/Medicaid funds are now performed exclusively by the Department of Health. It is strongly recommended that agencies constructing or performing work on state hospitals and health care facilities submit plans to the Department of Health for review and approval prior to bidding to avoid conflicts between the NFPA 101, Life Safety Code, and the Virginia Construction Code that may delay accreditation and result in change orders.

VCCO Update

The following individuals recently passed the Virginia Construction Contracting Officer (VCCO) certification examination:

- Darlene Lathrop, Department of Corrections
- Merlin A. Espinal, Northern Virginia Community College
- Charles "Mike" Garascia, City of Richmond

Virginia Construction Contracting Officers are state and local government employees who have completed the necessary training and successfully passed a multi-part examination focused on state procurement law, policy and procedures. VCCOs perform several key functions in delivering projects including the procurement of professional services; the receipt, opening and review of bids; and in some cases the approval of CO-8 forms for recommending the award of construction contracts.