

160-5-4-.11 DESIGN PROFESSIONAL CONTRACTS AND FEES.

(1) DEFINITIONS.

(a) **Design Professional** - an architect; civil structural engineer, mechanical engineer, electrical engineer, plumbing engineer, or heating, ventilating, and air conditioning (HVAC) engineer; interior designer; landscape architect; or other professional whose services require licensing and registration by the state.

(2) REQUIREMENTS.

(a) Local boards of education contracting with a registered design professional for the design and supervision of a state-funded capital outlay construction project shall select and execute the architectural contract of their choice and incorporate the “Mandatory Addendum to the Owner/Design Professional Agreement” as an attachment to the contract selected. The “Mandatory Addendum to the Owner/Design Professional Agreement” will be provided by the department. No alterations to the terms and conditions of the “Mandatory Addendum to the Owner/Design Professional Agreement” will be permitted without prior written consent from the department.

(b) Local boards of education shall specify a percentage fee in the contract(s) executed for architectural services on state capital outlay construction projects. State participation in architectural fees cannot exceed a total of six percent of the eligible stated cost limitation. The maximum amount eligible for state participation for architectural design fees (sometimes referred to as the basic rate) shall not exceed four percent of the stated cost limitation for the project. The maximum amount eligible for state participation for architectural oversight during the construction phase of the project shall not exceed two percent of the stated cost limitation for the project.

(c) Local boards of education shall file with the department a copy of the executed architectural contract with the “Mandatory Addendum to the Owner/Design Professional Agreement” attached to be eligible for reimbursement of state funds for the project.

(d) Local school systems shall not charge to state capital outlay funds any payment to the design professional greater than the amount stated in paragraph (b) above.

(e) Payments to reimburse local school systems for architectural fees incurred shall be made as follows:

1. When preliminary plans have been approved by the department, the system shall be eligible to receive reimbursement up to a sum equal to, but not greater than, 25 percent of the eligible design fee computed on the stated cost limitation for the project.

2. When final plans and specifications have been approved by the owner and the department, the system shall be eligible to receive reimbursement up to a sum sufficient to increase the amount reimbursed for architectural design fees up to 75 percent of the eligible design fee computed on the stated cost limitation for the project.

3. When bids have been received and the required supporting documentation has been received by the department, the system shall be eligible to receive reimbursement up to a sum sufficient to increase the payments for architectural design fees to 100 percent of the cost stated in the lowest acceptable bid, but in no event for an amount in excess of four percent of the stated cost limitation.

4. Reimbursement to the school system for architectural fees incurred for oversight during the construction phase of the project shall be made in equal proportion to the amount of work certified for payment by the design professional on the periodical estimate of the contractor. Reimbursement for architectural fees for oversight of the construction phase will be based on the maximum amount designated in the architectural contract, or the maximum amount eligible for state participation, whichever is less. Reimbursement for architectural oversight shall be made on a periodic basis as the construction activities progress until such time as the sum of the reimbursement paid equals 95 percent of the maximum, eligible amount allowed for project oversight. When the final closeout documents have been received by the department, the system shall be eligible to receive a sum sufficient to increase the amount of reimbursement for architectural fees up to 100 percent of the amount stated in the architectural contract or the maximum amount eligible for state participation for architectural fees, whichever is less.

Authority O.C.G.A. § 20-2-260.

Adopted: May 10, 2012

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