

Tests for Determination of Construction

“Construction” means the process of building, erecting, altering, improving, assembling, or demolishing any public infrastructure facility, including any structure, building, or other improvements of any kind to real property or the installation of heating, cooling, ventilating, or other equipment the cost of which amounts to \$200,000 or more, or the amount determined pursuant to ORC Section 153.51.

Construction includes the cutting away of any wall, partition, or portion thereof, the removal or cutting of any structural beam or load bearing support, the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; any installation or replacement of roof covering materials, alteration or replacement of roof structural members, roof-top mechanical equipment, etc.; or any addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil waste, vent or similar piping, electrical wiring, or mechanical or other work affecting public health or general safety.

Construction does not include the routine operation, routine repair, or routine maintenance of any existing public infrastructure facility, including structures, buildings, or other improved real property; nor does it include work that does not involve the technical design analysis of work affecting public health or general safety related to means of egress, structural, mechanical, electrical, plumbing, or fire protection.

Technical design analysis is defined as the development of integrated solutions using analytical methods in accordance with established scientific and engineering principles.

First test:

Does ORC Section 153.01 apply to the project?

(A) Whenever any building or structure for the use of the state...is to be:

- erected
- constructed

...whenever:

- additions
- alterations
- structural
- or other improvements

...are to be made, or whenever:

- heating
- cooling
- ventilating plants
- or other equipment

...is to be installed or material supplied therefor, the cost of which amounts to:

- \$200,000 or more
- Or the amount determined pursuant to ORC Section 153.51 (inflation)

...each officer, board, or other authority...shall cause to be made by an:

- architect or
- engineer

...the following:

- Full and accurate plans
- Details to scale and full-sized
- Definite and complete specifications
- A full and accurate estimate
- A life-cycle cost analysis
- Further data as may be required by OFCC

(B)(1) Division (A) shall not be required for CM at Risk or Design-Build contracts. (paraphrased)

Second test:

Does ORC Section 3791.04 apply to the project?

(A)(1) Before beginning the:

- construction
- erection
- manufacture

...of any building...the owner of that building...shall submit:

- plans
- drawings
- specifications
- data

...for the:

- construction
- erection
- equipment
- alteration
- addition

(2)(a) The seal of an:

- architect or
- engineer

...is required for any:

- plans
- drawings
- specifications
- data

...submitted for approval unless...permitted to be prepared by persons other than:

- registered architects or
- registered engineers

(b) No seal is required for:

- residential buildings or
- industrialized one-, two-, or three-family units

...as defined in ORC Section 3781.06.

(c) No seal is required for:

- installation of replacement equipment or systems that are similar in type or capacity to those being replaced
- buildings or structures subject to ORC Sections 3781.06 to 3781.18 and 3791.04 if the proposed work does not involve technical design analysis,

...as defined by rule adopted by the Board of Building Standards.

Third test:

Does the project meet the Bureau of Code Compliance Policy for Application for Inspections without Sealed Plans?

Typically, the following types of projects are qualified:

Minor Construction:

Work of minor alterations to existing building for the purpose of:

- replacement
- maintenance repairs

that has limited impact on:

- access (egress)
- safety
- health

...at the discretion of the building official **AND** does **NOT** require

- technical analysis
- design

...by a registered design professional in accordance with OBC Sections 102.10.2 and 106.2.1.(5).

OBC Section 102.10.2:

Minor repairs. Minor repairs to structures may be made without application or notice to the building official. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

OBC Section 106.2.1.(5):

Exception: The seal of a registered design professional is not required on construction documents for:

5. Alterations, construction or repairs to any buildings or structures subject to sections 3781.06 to 3781.18 and 3791.04 of the Revised Code where the building official determines that the proposed work does not involve the technical design analysis of work affecting public health or general safety in the following areas: means of egress, structural, mechanical, electrical, plumbing, or fire protection.

5.1 For the purpose of this exception, technical design analysis is defined as the development of integrated solutions using analytical methods in accordance with established scientific and engineering principles.