



Virginia
Regulatory
Town Hall

townhall.virginia.gov

Emergency Regulation and Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Corrections
Virginia Administrative Code (VAC) citation	6 VAC15-80
Regulation title	Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities
Action title	Add New Section 6 VAC 15-80-211 Value Management Analysis
Date this document prepared	5/23/07

This form is used when an agency wishes to promulgate an emergency regulation (to be effective for up to one year), as well as publish a Notice of Intended Regulatory Action (NOIRA) to begin the process of promulgating a permanent replacement regulation.

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Preamble

The Board of Corrections will amend definitions and add a new section to existing Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities under emergency procedures to make provisions relative to a Value Management Assessment Study. The amendment will allow for local correctional facilities to receive Value Management Assessment cost reimbursement, which is currently not provided for in 6 VAC 15-80 et seq. (1994).

Legal basis

Code of Virginia §53.1-80 through 53.1-82.3 allows up to 25% reimbursement of capital construction costs for local jails and up to 50% reimbursement of capital costs for regional jails.

Purpose

The Board of Corrections is mandating a Value Management Assessment of each project in order to reduce the costs on the projects. The Value Management Assessment is a part of required capital construction costs.

Need

The amendment will allow for local correctional facilities to receive Value Management Assessment cost reimbursement, which is currently not provided for in 6 VAC 15-80 et seq. (1994).

Substance

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
6VAC15-80-10	same	Definitions	<p>Change Definition of "Reviewing Authority" to the representative(s) of the Department of Corrections and/or the Department of Criminal Justice Services responsible for reviewing required documents, attending required meetings, interpreting and determining compliance with these Standards.</p> <p>Add Definition: "Standards" means the "Board of Corrections' Minimum Standards for Planning, Design Construction and Reimbursement of Local Correctional Facilities".</p> <p>Add Definition " Value Management Analysis (VMA)" means an analysis of facility design and construction for the purpose of satisfying required function, cost efficiency, while providing the greatest quality and efficiency for the project.</p> <p>Add Definition "Value Management Team' means a team of people, independent from the owner and/or the owner's A/E, headed by a Certified Value Specialist (CVS) or Certified Value Engineer (CVE) with a combination of the following disciplines based on phase and nature of the project: architecture, engineering (civil/site/mechanical/electrical) security and cost estimating.</p>
None	6VAC15-80-		Add new section entitled Value Management Analysis.

	211		<p>A. All jail projects for which reimbursement is being requested for new construction, expansion or renovation shall have a Value Management Analysis (VMA) performed during design. For renovation projects, a waiver may be requested from the Board.</p> <p>B. VMA shall be performed at the conclusion of the Design Development (35-40% complete) phases of the project. For large projects (in excess of 250 beds), it is recommended that a second phase of VMA be performed at the construction documents phase (90-95% complete).</p> <p>C. The VMA shall involve a three to four day exercise at the Design Development phase, or four to five days each at the design development and construction document phases. The first day, or portion thereof, of each Analysis consists of a presentation overview by the owner and the A/E design team to the Value Management Team. The final day or portion thereof, consists of a presentation of findings and recommendations by the Value Management Team to the owner and A/E design team and attended by the Reviewing Authority.</p> <p>D. The VMA process shall analyze at a minimum the following aspects of the project's design: systems, products/materials, quality, efficiency, functionality, long-term design and operational needs (beyond 10 years) and cost.</p> <p>E. The Owner shall engage the services of a qualified Value Management Team, as defined in the definitions and headed by a Certified Value Specialist (or Engineer) pursuant to the definitions. The VMA team shall be independent of the A/E design team. Cost estimators are also recommended as beneficial to the Analysis, particularly for projects performing VMA at the Construction Documents phase.</p> <p>F. The Owner shall advise the Reviewing Authority in writing, at least 15 working days in advance of the meeting dates for the VMA. A representative of the Reviewing Authority shall meet with the Value Management Team at the formal presentation of results to the owner and A/E design team.</p> <p>G. Upon completion of the VMA process, a summary</p>
--	-----	--	--

			<p>report detailing VMA recommendations and the Owner's decision on implementation of the recommendations shall be provided in writing to the Reviewing Authority.</p>
--	--	--	--

Alternatives

Not to provide a Value Management Assessment for each project could result in increased costs to the commonwealth for jail projects, as well as lesser quality facilities and less efficient design.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public meeting is to be held to receive comments on this notice.

The Virginia Board of Corrections is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency/board is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so [] by mail, email or fax to Brooks Ballard, *Architectural & Engineering Services*, 6900 Atmore Drive, Richmond , VA 23225, Telephone: 804-674-3102, Fax: 804-674-3529 and Brooks.ballard@vadoc.virginia.gov. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public meeting will not be held pursuant to an authorization to proceed without holding a public meeting.

Participatory approach

Please indicate the extent to which an ad hoc advisory group will be used in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board of Corrections will use the participatory approach to develop a proposal if it receives at least 25 written requests to use the participatory approach prior to the end of the public comment period.

Persons requesting the agency use the participatory approach and interested in assisting in the development of a proposal should notify the department contact person by the end of the comment period and provide their name, address, phone number, email address and their organization (if any). Notification of the composition of the advisory committee will be sent to all applicants.

Family impact

There is no family impact