

3 September 1997

Re: NEPA Technical Inquiry 0138 - Local Building Permits

Dear NEPA Call-In User:

This letter is in response to your August 14, 1997 request for information on local building permits. Specifically, you would like to know if GSA is required to obtain local permits for new construction.

SUMMARY OF FINDINGS

NEPA Call-In found that GSA is not required to obtain local building permits for new construction on Federal property. In the case of buildings developed on private land to be leased to GSA, local codes are applicable. In some cases local jurisdictions can require GSA contractors to apply for local permits, and pay taxes or fees on materials and services.

DETAILED FINDINGS

NEPA Call-In contacted the Portfolio Management, GSA National Office, to determine if GSA is required to obtain local building permits for new construction. The Portfolio Management stated GSA is not required to obtain local building permits, and referred us to the Centers for Expertise at GSA National Office for further information.

We contacted the Centers for Expertise, GSA National Office. A representative confirmed that GSA is not required to apply for or obtain building permits if GSA is doing the work. However, the representative, in some cases, local jurisdictions can require GSA contractors to pay taxes or fees on materials and services. These taxes are determined by the State. The representative referred us to GSA's Federal Acquisition Regulations, Section 52.236-7, "Permits and Responsibilities," November, 1991 which states:

"The Contractor shall, without additional expense to the Government, be responsible for obtaining any necessary licenses and permits, and for complying with any Federal, State, and municipal laws, codes, and regulations applicable to the performance of the work. The Contractor shall also be responsible for all damages to persons or property that occur as a result of the Contractor's fault or negligence. The Contractor shall also be responsible for all materials delivered and work performed until completion and acceptance of the entire work, except for any completed unit of work which may have been accepted under the contract".

Contractors must also apply for utility connections. In addition, in the State of Washington if there is a permit or fee required, the contractor or GSA must acquire the permit and pay the fee. The representative of the Center of Expertise referred us to GSA Region 10 for further information.

NEPA Call-In contacted the Director of Project Services, Design and Construction, GSA Region 10. The director referred us to PBS\PQ100.2, "Facilities Standards for the Public Building Service." Chapter 1, "General Requirements," states GSA's policy on local building codes:

"GSA has an established policy to comply with local building codes to the greatest extent possible. Local and/or State officials will be given the opportunity to review GSA projects for compliance with local requirements. Comments from local jurisdictions will be carefully considered, but GSA has the final authority to accept or reject any comment.

Legally, buildings built on Federal property are exempt from local building codes. In case of buildings developed on private land to be leased to GSA, however, the applicable local codes govern instead of the codes adopted by GSA.

Local jurisdictions have the option of performing construction inspections to verify code compliance. If they elect to do so, special provisions will be included in the architect/engineer's (A/E's) and contractor's contracts to handle the additional requirement of coordinating their work with local authorities".

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Sincerely,

(Original Signed)

NEPA Call-In Researcher