

**COLORADO DEPARTMENT OF
LABOR AND EMPLOYMENT**

DIVISION OF OIL AND PUBLIC SAFETY

PUBLIC SCHOOL CONSTRUCTION REGULATIONS

7 C.C.R. 1101-7

Effective: October 24, 2008



ARTICLE 1 GENERAL PROVISIONS

Section 1-1 Statement of Basis and Purpose

These regulations are promulgated by the Division of Oil and Public Safety (OPS) to establish uniform rules for the construction and inspection of public school buildings and structures, in the interest, safety and welfare of the general public.

The main purpose of these regulations is to ensure that public school buildings or structures are constructed and inspected in conformity with these rules and adopted building and fire codes, thereby protecting the health, safety, and welfare of the general public by creating better buildings and safer communities.

These regulations establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Section 1-2 Technical Rationale

The technical requirements of these regulations are supported primarily by codes developed by the International Code Council, a membership association dedicated to building safety and fire prevention. These regulations establish minimum requirements for building systems using prescriptive and performance related provisions which are widely used to construct residential and commercial buildings, including homes and schools.

Section 1-3 Statutory Authority

The amendments to these regulations have been created pursuant to Title 8 Article 20.5 Sections (202) and (302) of the Colorado Revised Statutes sections Title 22 Article 32-124 and Title 23 Article -122 and Title 8 Article 107 as amended

Section 1-4 Effective Date

These amended regulations shall be effective on October 24, 2008. The prior editions of the regulations were published July 20, 2007, April 24, 2008, and July 24, 2008.

Section 1-5 Definitions

Terms in these regulations shall have the same definitions as those found in Articles of the Colorado Revised Statutes. In addition, unless the context otherwise requires:

Appropriate Building Department: Means the building department of a county, town, city, or city and county and includes a building department within a fire department.

Board: Means a Board of education, state charter school institute, charter school, or a junior college or their authorized representative subject to these regulations.

Building Permit: An official document issued by OPS or the prequalified building department which authorizes performance of the erection, alteration, demolition and/or moving of buildings and structures.

Certificate of Compliance: Means a certificate stating that materials and products meet specified standards, or that work was done in compliance with approved construction documents.

Certificate of Occupancy: An official document issued by OPS or the prequalified building department which authorizes a building or structure to be used or occupied.

Core and Shell Permit: An official document issued by OPS or the prequalified building department which is limited to authorizing the construction of foundation, columns, floor slabs, roof structure, exterior walls, and exterior glazing to the point of the building being weather tight.

Demolition Only Permit: An official document issued by OPS or the prequalified building department which is limited to authorizing the demolition of all or part of a building or structure.

Foundation: Work related to building footings, piers, foundation walls, slabs on grade, under slab and underground building services.

Foundation Only Permit: An official document issued by OPS or the prequalified building department which is limited to authorizing the construction of foundations.

Local Fire Department: A fire department providing fire protection service for the buildings and structures of the Board.

Qualified Fire Department: A fire department providing fire protection service for the buildings and structures of the Board that has certified fire inspectors, as defined by C.R.S. 24-33.5-1202(2.5), at the appropriate level for the task being performed.

Qualified Tradesperson: Means an employee of the Board who has satisfactorily demonstrated to OPS that they either hold a current building inspector certification from ICC or other similar national organization, or have at least five years of demonstrated education, training, and experience in commercial building construction or inspection.

Small Construction Project: Includes, installation of one or more new security gate, new window: interior/exterior, new door: fire rated, new door: non-fire rated, magnetic hold open device, wall: non-load bearing, skylight, new playground, partition over 5'-9", new operable partition, recreational equipment supported by structure, occupational therapy hook, dugout (fence), dugout (CMU), shop/vocational instruction equipment, shade structure, one or more portable modular buildings, re-roofing, roof penetrations, alteration of door: adding window/glazing in door, alteration of door hardware: panic hardware, or area that changes in use and occupancy. NOTE See separate small projects form, re-roofing, and modular application form.

Temporary Certificate of Occupancy: An official document issued by OPS or the prequalified building department which authorizes a building or structure to be temporarily used or occupied for a period not to exceed 90 days, unless an extension has been granted by the Director of OPS or the prequalified building department.

Section 1-6 Codes, Documents or Standards incorporated by reference

The following codes, have been adopted and promulgated as Colorado standards for erection and for purposes of inspection, of public school buildings and structures:

- (1) International Building Code - 2003 Edition, First Printing: December 2002 (Copyright 2002 by International Code Council, Inc. - Falls Church, Virginia)
- (2) International Fire Code - 2003 Edition, First Printing: December 2002 (Copyright 2002 by International Code Council, Inc. - Falls Church, Virginia)
- (3) International Mechanical Code - 2003 Edition, Second Printing: May 2003 (Copyright 2003 by International Code Council, Inc. - Falls Church, Virginia)

The adoption of these codes expires on December 31, 2008.

Effective January 1, 2009 the Colorado Division of Oil and Public Safety will adopt the 2006 editions of the following codes:

- (1) International Building Code - 2006 Edition, Third Printing: March 2007 (Copyright 2006 by International Code Council, Inc. Washington, D.C.)
- (2) International Fire Code - 2006 Edition, Third Printing: April 2007 (Copyright 2006 by International Code Council, Inc. - Washington, D.C.), including Appendices B and C.
- (3) International Mechanical Code - 2006 Edition, Second Printing: December 2007 (Copyright 2006 by International Code Council, Inc. - Washington, D.C.)
- (4) International Energy Conservation Code - 2006 Edition, First Printing: January 2007 (Copyright 2006 by International Code Council, Inc. - Washington, D.C.)
- (5) International Existing Building Code- 2006 Edition, First Printing: January 2007 (Copyright 2006 by International Code Council, Inc. - Washington, D.C.)
- (6) International Residential Code – 2006 Edition, Second Printing: November 2006 (Copyright 2006 by International Code Council, Inc. - Washington, D.C.)

In the event that a new edition of the code is adopted after a permit has been issued, the edition of the code current at the time of permit application shall remain in effect throughout the work authorized by the permit.

Section 1-7 Inspection of incorporated codes

OPS shall maintain copies of the complete texts of the codes hereinabove, adopted as said codes, which copies shall be available for public inspection during regular business hours.

Interested parties may inspect the referenced incorporated materials by contacting the Program Manager, Public School Construction Program, 633 17th Street, Suite 500, Denver, CO 80202 and/or The State Depository Libraries.

Section 1-8 Later amendments not included

This rule does not include later amendments to or editions of the incorporated material.

ARTICLE 2 FEES FOR PLAN REVIEW, PERMITTING AND INSPECTIONS

Section 2-1 Plan review, construction permit and inspection fees.

The Director of the Division shall charge a fee for plan review and issuance of a construction permit to cover the actual, reasonable, and necessary expenses of both OPS in the Department of Labor and Employment and the Division of Fire Safety in the Department of Public Safety for those expenses related to the Public School Construction Program.

The plan review, construction permit and inspection fees will be calculated based on the project valuation. The inspection component of this fee only includes an oversight (interim) inspection and a final inspection conducted by OPS prior to the issuance of a certificate of occupancy. OPS inspection fees do not include costs associated with inspections conducted by the Division of Fire Safety, or third-party inspectors .

Effective August 6, 2008, the Director of the Division of Fire Safety shall charge a fee for inspections to cover the actual, reasonable, and necessary expenses of the Division of Fire Safety for those expenses related to conducting inspections as required by the Public School Construction Program. Refer to 8 C.C.R. 1507-30 for information about fees established by the Division of Fire Safety.

Section 2-2 Current OPS Fee Schedule

The following table lists the current fee schedule which has been in effect since October 2007. The current fee schedule is also posted on the OPS website.

Plan Review, Permit and Inspection Fees	
Total Valuation	Fee
\$1.00 to \$2,000	\$50
\$2,001 to \$25,000	\$51 to \$647
\$25,001 to \$50,000	\$648 to \$1,064
\$50,001 to \$100,000	\$1,065 to \$1,598
\$100,001 to \$500,000	\$1,599 to \$4,337
\$500,001 to \$1,000,000	\$4,338 to \$6,532
\$1,000,001 to \$2,000,000	\$6,533 to \$9,345
\$2,000,001 to \$4,000,000	\$9,346 to \$12,952
\$4,000,001 to \$8,000,000	\$12,593 to \$17,577
\$8,000,001 to \$16,000,000	\$17,578 to \$23,505
\$16,000,001 to \$32,000,000	\$23,506 to \$31,105
\$32,000,001 to \$64,000,000	\$31,106 to \$40,848
\$64,000,001 +	\$40,849 +

Portable/Modular Building Fees per site: \$800.00 for the first unit, each additional portable/modular is \$100.00, up to 10 units.

Re-Roof: Use fee schedule above, \$800.00 minimum

Boiler/Chiller/Furnace/Air Handling Unit: Use fee schedule above, \$800.00 minimum

Annual Permit: \$500

A fee calculator also posted on the OPS website, enables determination of total fees (plan review and construction permit fees, including inspection fees) prior to submittal of a project. The fee schedule applied to a project will be the fee schedule in effect on the date of application submittal.

The Director of the Division will review the fund balance periodically and may reduce or increase the amount of the fee, if necessary, pursuant to section 24-75-402 (3) and 24-75-402 (4), C.R.S.

Section 2-3 Re-inspection fees

OPS shall assess a \$200 re-inspection fee for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

ARTICLE 3 CERTIFICATION AND PREQUALIFICATION PROGRAMS

Section 3-1 Third-Party Inspector Certification

OPS will certify qualified persons to perform third-party inspection on public school construction projects. A completed OPS Inspector Certification application form shall be used to apply for such certification. Applications are available on the OPS website. Applicants seeking such certification from OPS shall have the following minimum qualifications:

- 1) Hold current appropriate building inspector certifications from ICC or other similar national organization, and have demonstrated education, training, and experience, or
- 2) Have at least five years of demonstrated education, training, and experience in commercial building inspections and receive national certification within one year after the date of OPS certification.

Qualified applicants that are currently certified by ICC or other similar national organization, as appropriate building inspectors will be issued OPS certifications for three years. Inspectors certified by OPS shall ensure that their ICC inspector certifications are renewed and continue to remain active throughout the duration of their OPS inspector certification.

Qualified applicants that have at least five years of demonstrated education, training, and experience in appropriate building inspections will be issued OPS certifications for one year. Certification renewal will be contingent on the applicant obtaining commercial building inspector certification from ICC or other similar national organization, prior to the expiration date of the applicant's OPS inspector certification.

3-1-1 Duties of Third-Party Inspectors

- (a) Certified third party inspectors contracted by the Board shall conduct the required inspections, and take enforcement action to ensure that a building or structure is constructed in conformity with the building and fire codes adopted by OPS.
- (b) Certified third party inspectors contracted by the Board shall not take enforcement action other than in relation to the building and fire codes adopted by OPS.
- (c) Certified third party inspectors contracted by the Board shall only use inspectors that have been certified by OPS to work on Public School Construction projects.

- (d) Certified third party inspectors contracted by the Board shall cause copies of their inspection reports to be sent to OPS.
- (e) If all inspections are not completed and the Board requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues, the certified third party inspectors contracted by the Board shall notify OPS of the same so that OPS may issue a Temporary Certificate of Occupancy to allow the Board to occupy the buildings and structures.
- (f) Certified third party inspectors contracted by the Board shall attest that inspections are complete and all violations are corrected before OPS issues the Board a certificate of occupancy. Inspection records shall be retained by the certified third party inspectors contracted by the Board for two years after the certificate of occupancy is issued.

3-1-2 Criteria for the Revocation of Third-Party Inspector Certifications

If OPS finds any non-compliance with these regulations or the codes adopted therein, any intentional or known falsification of information, or that inspections are not complete, or that all violations are not corrected, OPS shall take enforcement action against the third-party inspector pursuant to section 8-20-104, C.R.S.

Enforcement actions may include assessing penalties of up to \$1,000 per violation for each day of violation as well as revocation of the third party inspector certification.

Section 3-2 Prequalification of Appropriate Building Departments

OPS may prequalify an Appropriate Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, issue temporary certificates of occupancy, and take enforcement action to ensure that a building or structure has been constructed in conformity with these regulations. In lieu of applying for a building permit through OPS, an affected Board may, at its own discretion, opt to use a building department that has been prequalified by OPS to conduct plan reviews, inspections and issue certificates of occupancy.

3-2-1 Prequalification Process

(a) Application Form: In order to be considered for prequalification, OPS requires a completed application be submitted by the Appropriate Building Department, and by each qualified applicant seeking certification as a plan reviewer or inspector on a public school construction project. Qualified applicants shall have the following minimum qualifications:

- 1) Hold current appropriate plan reviewer and/or building inspector certifications from ICC or other similar national organization, and have demonstrated education, training, and experience, or
- 2) If an applicant is not certified in his or her respective field, the applicant shall have at least five years of demonstrated education, training, and experience in commercial building inspections and receive national certification within one year after the date of certification by OPS.

Plan reviewer and Inspector certifications issued by OPS to applicants holding ICC or national certifications will be valid for three years, whereas certifications issued to applicants on the basis of demonstrated education, training, and experience will be valid for one year, and will require ICC or national certification prior to renewal.

(b) Memorandum of Understanding: After OPS has reviewed the application and determined that the Appropriate Building Department has plan reviewers and inspectors that have the necessary

education, training, and experience; OPS may issue and execute a Memorandum of Understanding (MOU) between the local jurisdiction and OPS. Pursuant to this MOU, OPS may prequalify an Appropriate Building Department to conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, and issue temporary certificates of occupancy to ensure that a building or structure has been constructed in conformity with the adopted building and fire codes, and take enforcement action. Nothing in the MOU shall be construed to allow the building department to take enforcement action other than in relation to the building and fire codes adopted by OPS.

In lieu of applying for a building permit through OPS, an affected Board may, at its own discretion, opt to use a prequalified building department that has entered into a MOU with OPS as the delegated authority.

3-2-2 Duties of Prequalified Building Departments

- (a) The prequalified building department shall conduct the necessary plan reviews, issue building permits, conduct inspections, issue certificates of occupancy, and issue temporary certificates of occupancy, and take enforcement action to ensure that a building or structure constructed in conformity with the building and fire codes adopted by OPS.
- (b) The prequalified building department shall not take enforcement action other than in relation to the building and fire codes adopted by OPS.
- (c) The prequalified building department shall only use plan reviewers and inspectors within their building department that have been certified by OPS to work on Public School Construction projects.
- (d) The prequalified building department shall cause copies of the building plans to be sent to the appropriate fire department and the Division of Fire Safety for review of fire safety issues.
- (e) If the building or structure is in conformity with the adopted building and fire codes, and if the Qualified Fire Department or the Division of Fire Safety certifies that the building or structure is in compliance with the adopted fire code, the prequalified building department shall issue the necessary certificate of occupancy prior to use of the building or structure by the permit applicant.
- (f) If all inspections are not completed and the Board requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues, the prequalified building department may issue a Temporary Certificate of Occupancy to allow the Board to occupy the buildings and structures.
- (g) The prequalified building department shall attest that inspections are complete and all violations are corrected before the Board is issued a certificate of occupancy. Inspection records shall be retained by the prequalified building department for two years after the certificate of occupancy is issued.
- (h) The prequalified building department may set reasonable fees and collect these fees to offset the cost of plan review and inspection of Public School construction projects. Public School Boards shall be notified of any adjustment of fees a minimum of thirty (30) days prior to the effective date of the change

ARTICLE 4 BUILDING PERMIT APPLICATION

Section 4-1 Building Construction Notification

The Board must notify OPS within five days of initiating a project. Notification to OPS is only required when serving notice to OPS that the Board will be delegating plan review and inspections to the prequalified building department. Notification should include:

- (a) Name of project (including district);
- (b) Location of project;
- (c) Scope of work;
- (d) Projected cost;
- (e) Planned construction start and end dates;
- (f) Selection of delegation for fire review (Qualified Fire Department or Division of Fire Safety)
- (g) Selection of delegation for plan review (prequalified local building department).

Section 4-2 Building Permit Application Process

4-2-1 Preliminary Application Package Review

- (a) For any construction project, the Board may hold a preliminary review meeting with either OPS or the prequalified building department, and the local fire department or the Division of Fire Safety at the appropriate design stage of document preparation.
- (b) If a preliminary review meeting is requested, the following items should be included in the preliminary review package:
 - (1) A key plan or site plan as applicable, showing the property address(s) (or legal description), boundaries, existing buildings, proposed buildings and/or additions, parking lots, fenced areas, fire hydrants, fire equipment access, water supply and topography.
 - (2) Sufficient documentation to illustrate and describe the design of the project, establishing the scope, relationships, forms, size and appearance of the project by means of plans, sections and elevations, typical construction details, and equipment layouts. The documents shall include outline specifications that identify major materials and systems and establish in general their quality levels.
 - (3) A code plan that includes the following minimum information,
 - (A) Calculation of the allowable and actual square footage of the new construction;
 - (B) The floor plan of all new construction, existing to remain, and remodel areas;

- (C) The proposed occupancy group(s) of the building. Include daytime use and after-hours use occupancy groups where applicable;
- (D) All fire and smoke rated construction (including rated exit corridors, fire walls, fire barriers, fire partitions, smoke barriers), and construction capable of resisting the passage of smoke; and
- (E) All exits and all stairways.

(c) OPS, the local fire department, the Division of Fire Safety, and the Board may request a meeting or teleconference, in a timely manner, at any time during the preliminary review. OPS shall make reasonable accommodations for such meeting or teleconference.

4-2-2 Building Permit Application Submittal

- (a) For all construction projects not covered under an annual building permit as defined in code, the Board must submit a complete plan review application package to OPS, the local fire department, and the Division of Fire Safety not less than 30 days prior to beginning construction. The Board may request from OPS an exemption to the 30 day minimum submittal time frame which will be considered on a case by case basis.
- (b) The plan review application package must contain the following items listed below, except for small construction projects as defined in Section 1-5
 - (1) A fully completed plan review application, signed by the applicant, on the form provided by OPS (available on OPS website);
<http://oil.cdle.state.co.us/Public%20Safety/Schools/schoolconstruction.sp>
 - (2) A site plan or key plan as applicable.
 - (3) A code plan and analysis as required by IBC Section 106;
 - (4) Two full sets of construction documents (Both full size or one full and one half size), signed and wet stamped by the design professional in responsible charge, and by all design professionals in each of the design disciplines represented in the project;
 - (5) Two full sets of construction specifications (full size), signed and wet stamped by the design professional in responsible charge, and by all design professionals in each of the design disciplines represented in the project;
 - (6) Soils report (when required by IBC Section 1802.2).
 - (7) A statement of special inspections, as required by IBC Section 1704.1.1; and
 - (8) Documentation of design compliance with the International Energy Conservation Code.
 - (9) Structural calculations (when applicable).
- (c) The building permit application package shall be concurrently submitted to the Division of Fire Safety and to the Local Fire Department. The submittal will be reviewed by either the Qualified Fire Department or the Division of Fire Safety. Permit issuance is contingent upon the review and approval of the submittal by the Fire Code Official. Refer to 8 C.C.R. 1507-30 for additional information pertaining to Fire Code review.

4-2-3 Plan Review and Permitting

- (a) OPS will notify the Board upon receipt of a complete Building Permit Application Submittal or of incomplete Building Permit Application Submittals.
- (b) The Qualified Fire Department and/or the Division of Fire Safety have twenty (20) business days to submit the completed fire review to OPS. The Local Fire Department and/or the Division of Fire Safety may request in writing, an extension from OPS on the basis of the complexity of the building plans.
- (c) Upon completion of the review, and after receipt of the fire review from the Qualified Fire Department and/or the Division of Fire Safety, OPS will provide to the Board a comprehensive list of corrections from both building and fire code reviews to be addressed prior to the issuance of a Building Permit. This list of corrections shall not be considered as all inclusive, and may not be considered as approval of any condition in violation of applicable code.
- (d) OPS, Local Fire Department and/or the Division of Fire Safety, and the Board may request a meeting or teleconference, in a timely manner, at any time during the final review. OPS shall make reasonable accommodations for such meeting or teleconference.

4-2-4 Phased Permitting

Upon request by the Board, OPS may issue phased permits for demolition, construction of foundations, and construction of core and shell, provided that construction documents for the whole building or structure have been submitted per section 4-2-2. The holder of such permit for demolition, or the construction of foundations or vertical construction shall proceed at the holder's own risk with building operation and without assurance that a permit for the entire structure will be granted. Issuance of this permit shall not be considered all inclusive and may not be considered as approval of any condition in violation of applicable codes.

4-2-5 Annual Permits

In lieu of an individual permit for each alteration to an already approved mechanical or building installation, OPS or prequalified building departments (PBD) may issue an annual permit upon application to any school district regularly employing one or more Qualified Tradespersons in the building, structure or on the premises owned or operated by the school district. Annual permits shall remain valid for a period of 12 months from the issuance date. The school district shall notify the Division of Fire Safety and the Local Fire Department prior to the commencement of work conducted under an annual permit. A PBD may require notification prior to commencement of projects conducted under an annual permit.

- (a) Annual Permit Scope: The annual permit will be limited to the following scope of work:
 - (1) Replacement of already approved mechanical equipment.
 - (2) Installation of new non-fire rated door(s), in a non-bearing wall or partition.
 - (3) Adding window/glazing to an existing door.
 - (4) Repair of existing panic hardware.
 - (5) Installation of skylight(s) greater than ten feet away from a firewall.
 - (6) Installation involving roof penetration(s) greater than ten feet away from a firewall.
 - (7) Installation of one or more occupational therapy hooks.
 - (8) Installation of fence dugout(s) greater than six feet in height.
 - (9) Installation of shop/vocational instruction equipment.
 - (10) Demolition or removal of portable modular units.
- (b) Annual Permit Records: The school district to whom an annual permit is issued shall keep a detailed record, including stamped engineered drawings (if applicable), of all replacements

made under such annual permit. All work completed under an annual permit shall be inspected by a third party inspector or a Qualified Tradesperson within 10 days of completion of a project, and such inspections shall be recorded on an inspection log. OPS or PBD that chooses to issue annual permits shall have access to all inspection logs at all times and such records shall be submitted to OPS or the PBD within 30 days of the expiration date of annual permit. If the inspection logs associated with the annual permit demonstrate compliance with the annual permit requirements, OPS or the PBD may issue a Certificate of Compliance for projects completed under that permit.

ARTICLE 5 INSPECTIONS

Section 5-1 Required Inspections

OPS shall require a sufficient number of third-party inspection reports to be submitted by the inspector based upon the scope and cost of the project to ensure quality inspections are performed. Concurrent with the building permit approval, OPS shall issue an Inspection Card specifying the applicable required inspections as set forth in Sections 109.3.1 through 109.3.10 of the IBC. The required inspections may include footing and foundation inspection, concrete slab and under-floor inspection, lowest floor elevation, frame inspection, lath and gypsum Board inspection, fire-resistant penetrations, energy efficiency inspections, other inspections, special inspections, and final inspection. The final inspection shall be conducted only by OPS or a prequalified local building department after all work required by the building permit is completed.

Construction or work for which a permit is required shall be subject to inspection by OPS, a third party inspector contracted by the Board, or the prequalified local jurisdiction and such construction or work shall remain accessible and exposed for inspection purposes until approved. Neither OPS, a third party inspector contracted by the Board, nor the prequalified local jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Results of all inspections shall be documented on the job site inspection card and in the official records of the inspecting entity, including type of inspection, date of inspection, identification of the responsible individual making the inspection, and comments regarding approval or disapproval of the inspection. . Inspection records shall be retained by the inspecting entity for two years after the certificate of occupancy is issued.

Section 5-2 Inspection Request Notification

OPS shall be provided with notification in writing at least 5 days prior to any requested inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval from OPS, a third party inspector contracted by the Board, or the prequalified local jurisdiction. OPS, a third party inspector contracted by the Board, or the prequalified local jurisdiction, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with the codes adopted in these regulations. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by OPS, a third party inspector contracted by the Board, or the prequalified local jurisdiction.

Section 5-3 Third-party Inspections

For all building permit applications received by OPS on and after August 6, 2008, the affected Board shall hire and compensate third-party inspectors certified by OPS to perform inspections. A listing of certified third party inspectors will be posted on the OPS website. If the Board is unable to obtain a third-party inspector, an Appropriate Building Department that has been prequalified by OPS shall oversee the project. If the Board is unable to obtain a third-party inspector and no building department has been prequalified, OPS shall conduct or contract with a third party inspector to perform the required inspections, and the Board shall compensate OPS or the contracted third-party inspectors for all associated inspection costs.

Prior to commencement of construction on projects requiring third party inspections, the Board shall notify OPS of the designated third party inspector for the permitted project. The notification shall be made in writing using a form provided by OPS. OPS may request a preconstruction meeting with the Board, the contractor hired to perform the work, and the certified third party inspector.

Section 5-4 Violation of Third-Party Inspection Requirement

If OPS finds that inspections are not completed satisfactorily, or that all violations are not corrected, OPS shall take enforcement action against the appropriate Board pursuant to section 8-20-104, C.R.S., and shall require that the next project undertaken by the Board be delegated to the prequalified building department.

ARTICLE 6 CERTIFICATE OF OCCUPANCY

The Board shall not occupy or use a public school building or structure until a certificate of occupancy, or a temporary certificate of occupancy has been issued by OPS.

OPS or the prequalified building department may issue a temporary certificate of occupancy if a Board requires immediate occupancy, and if the Board has passed the appropriate inspections that indicate there are no life safety issues. The temporary certificate of occupancy shall expire ninety days after the date of issuance. If no renewal of the temporary certificate of occupancy is issued or a permanent certificate of occupancy is not issued, the building shall be vacated upon expiration of the temporary certificate of occupancy. OPS shall enforce this requirement pursuant to section 8-20-104, C.R.S.

ARTICLE 7 BOARD OF APPEALS

Section 7-1 General

A board of appeals shall be created in accordance with section 22-32-124.5 C.R.S in order to hear and decide appeals of orders, decisions or determinations made by an inspecting entity relative to the application and interpretation of this code. The board of appeals shall be appointed by the Executive Director of the Department of Labor and Employment and shall hold office at its pleasure. The board of appeals shall adopt rules of procedure for conducting its business. If the inspecting entity and the board of appeals disagree on the interpretation of adopted codes or referenced standards, OPS shall set a date for a hearing as soon as practicable before the board of appeals.

Section 7-2 Limitations on authority

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted therein have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board of appeals shall have no authority to waive any requirements of the codes or standards. The board of appeals may recommend alternative materials as provided in the codes or standards. The final written decision of the board is final agency action for purposes of section 24-4-106, C.R.S.

Section 7-3 Qualifications

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of OPS or a prequalified building department.

ARTICLE 8 ENFORCEMENT

If OPS finds any violation, of these regulations and the codes adopted therein, by the Board, a certified third party inspector or a prequalified building department, OPS shall take enforcement action against the offender pursuant to section 8-20-104, C.R.S. Besides penalties of up to \$1,000 per day for each day of violation, OPS may revoke the certification of an offending third party inspector, or the prequalification status of an offending building department.