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MANAGEMENT OF CONSTRUCTION PROCESS IN RUSSIAN FEDERATION

Bachelor's Thesis 2011

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ABSTRACT

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The purpose of the research is to study the stages of the investment construction process in the Russian Federation, to determine the main participators and their responsibilities and to collect all documentation for the realization of the project. The task of the work is to make some general scheme for the whole process of the investment construction activity including collection of the all documentation needed for it and the determination of authorities which issue this documentation.

Normative documents, decrees of the government, the experience of the company Ahma Engineers in Russian projects, consultations with the state authorities and the information from Internet websites were used during the work. The company already has some projects in the Russian Federation, therefore it was very useful to study their documentation. It was very important to study the current Russian legislation, because it is constantly changing and improving. The main problems were the lack of the official information about undergoing all necessary procedures and of the precise legislation base describing the whole investment construction process. Therefore the unofficial information of management companies on the Internet websites helped to understand the content of the process.

In the thesis the general case of the construction of the industrial object based mainly on federal legislation is described. In cases when there was no clear information about some procedure in federal laws, regional documentation on the example of Moscow was used. As a result, this is a reason of a big difference between ways of implementation of the construction process in different regions. The local authorities can define their own regional normative documentation with the conditions which are different from others. At the same time regional documentation can not contradict with the main requirements, which provide documentation of the federal level. Therefore the federal law specifies content of the procedures and regional normative base determines only order, needed documentation and duration. It is very important to constantly monitor the changes in legislation for the effective management of the construction process in the Russian Federation.

This work contains some schemes for undergoing of procedures, some tables with the determination of main stage and distribution of responsibilities. In the text the main steps of the project are explained in general case, because their content can be different, depending mainly on the location of construction. As a

result, the conclusions about the problematic questions and improvements in current situation were made.

KEYWORDS: Land plot, Engineering survey, Technical conditions, Urban development plan, Technical assignment, Initial permissive documentation, Design Documentation, Building permit, Detailed documentation, Construction.

1 INTRODUCTION

The choice of the topic is connected with the expansion of the Ahma Engineers Company's activities in Russia. The company has several projects in different cities in Russia, therefore this work is relevant at the moment. The main purpose of the thesis is to describe all the necessary processes for the realization of investment construction process as an example of industrial construction, not including the linear objects.

The topic is very complicated because the regulatory base is rather complex and has no clear scheme for organizing the construction process from the time of the investment idea to commissioning and performance warranty. Regulatory norms in the Russian Federation are established on the federal level and the level of the subjects of the Federation. Documents of the regional level must not contradict the documents at the federal level but can determine their order and duration of procedures passage.

This is the reason for the huge number of different standards, as well as the fact that the permissive process can vary in different regions. Therefore, this work describes a general case of investment construction process on the basis of federal law, with examples of specific procedures for Moscow.

Such big amount of documentation leads to difficulties in obtaining permits and approvals of project documentation, as these norms often contain controversial information. As a result, a customer is obliged to collect from 40 to 110 partial permissions from different authorities before applying for the final permit for construction. This can take more than two years.

The work considers the main points of investment construction process, as now in Russia there is a transitional period (the introduction of one window service, development and the beginning of the issue of urban development plans, the cancellation approvals of the finished design documentation, mandatory entry into Self-Regulatory organizations). At the moment it is difficult to describe the

general scheme of documentation because this transitional process is not carried out similarly in different regions. In some places these systems are introduced and begin to function, but in the others everything goes without changes.

The main questions that must be described in this thesis are the following:

- the main stages of investment construction process
- main members and their responsibilities
- all the necessary documentation for realization of the project

These main aspects are shown shortly in Appendix 1 and more detailed explanation is presented in text of thesis.

In writing this work because of the lack of clear legislation the assistance of personnel of the company engaged in Russian projects was very helpful. References to the official executive authorities of the Russian Federation, as well as the information from the websites of organizations involved in the management of construction projects in Russia were also used.

2 PARTICIPANTS OF THE INVESTMENT CONSTRUCTION PROCESS

Investment construction process is the interaction of the large amount of participators. There is an investor, a developer, a customer, a contractor, a design company, an engineering survey company, suppliers from one site and state executive authorities, the local government, state supervision and expertise authorities from the side of the State. Each subject of the Russian Federation has its own authorities, with their requirements in accordance with regional legislation.

The investor (Инвестор) is a state, an organization or a person financing the construction. Typically the investor does not interfere in construction issue and

all rights in the disposition of funds on the construction are given to the customer.

The developer (Застройщик) is the owner of the land. In some cases the developer can be both a customer and an investor.

Investors and developers are two owners of the situation. They define the project aims, choose the customer according to the project and change the aims of the project if it is necessary.

The customer (Заказчик) is the central element of the project that determines the designer and the contractor, conducts cash payment, sets tasks and supervises the work. This is a person who connects the investment objectives, space-planning solutions and implementation of the work and monitors the progress.

The general designer (Генеральный проектировщик) is the main executive organization for design work, which performs the main part by itself, and the rest of the work is done by involved subcontractor designers. The designer develops space-planning and architectural design of investment ideas, prepared for him by the customer, agrees it with all concerned parties and monitors its implementation in practise. Often this is a large engineering company specialized in any kind of construction (industrial, hydraulic engineering, irrigation and drainage, etc).

Designer (Subcontractor) (Проектировщик субподрядный) is an organization involved by the general designer to implement any part of the project on the rights of the subcontract.

The general contractor (Генеральный подрядчик) implements investment and project plans, coordinates the work of subcontractors, provides cash payments for them, starts and finishes the work on the site, interacts with and influences on the customer and the designer. Often this is a large building and installation company.

The customer and the contractor are the most active participants because they organize and supervise the whole construction process.

The subcontractors (Субподрядчик) is a construction company, hired by the general contractor to perform specific types of work such as earthwork, electrical work, plumbing, decorating, etc.

Suppliers provide the necessary building materials and equipment.

The engineering survey company (Инженерно-изыскательная организация) is an organization involved by the designer (general or subcontracting) or directly by the customer, to perform engineering surveys of the land for construction.

Figure 2.1 shows the traditional scheme of interaction between participants of the execution investment construction process. There are deviations from the general scheme in practice. For example, both the general designer and subcontract designers are necessary only for large construction projects. In most cases such as construction of small industrial enterprises there is no need to involve several design companies. Sometimes (for small objects) subcontractors are not necessary because all construction work is performed by one organization.

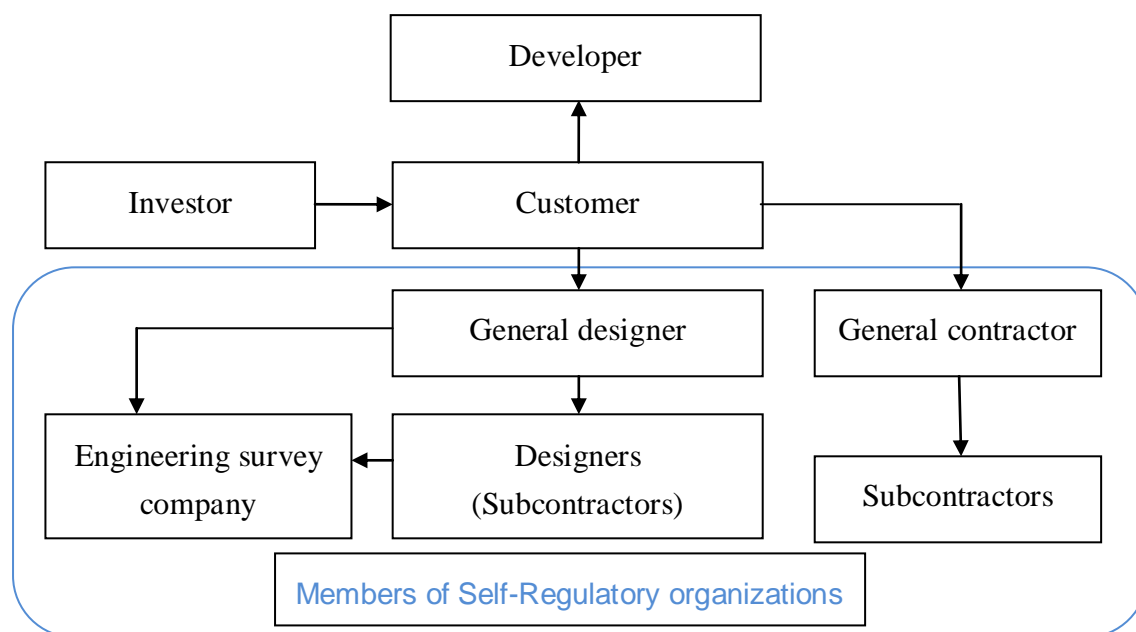


Figure 2.1 Participants of investment construction process

2.1 Self-regulatory organizations

In accordance with the Federal law from the 1st of December 2007 № 315 “On self-regulatory organizations” and the Federal Law from the 22nd of July 2008 № 148 “Amendments to the Town Planning Code and certain legislative acts of the Russian Federation” from the 1st of January 2010 the performance of work, which affects the security of capital construction, should be carried out only by an individual employer or legal persons having a certificate of admission for such types of work issued by Self-regulating organization, regardless of the presence of appropriate licenses.

Non-profit organizations can receive a status of self-regulatory organizations of the following types:

- self-regulatory membership-based organizations carrying out engineering surveys
- self-regulatory membership-based organizations carrying out the

preparation of the project documentation

- self-regulatory membership-based organizations carrying out the construction

In the other words, all design, engineering survey and contraction organizations have to join Self-regulation organizations and receive admission to work. On present about 400 such organization exist all around the Russian Federation.

Table 1 shows requirements for non-profit organizations, necessary for obtaining the status of self-regulatory organization in accordance with Article 55.4 of Town Planning Code.

Table 1 Requirements for Self-Regulatory Organizations

Parameters	Engineering survey and design companies	Construction companies
Amount of members	>50	>100
Value of the compensation fund, without obligatory Insurance (thousand rubles per member)	>500	>1000
Value of the compensation fund, with obligatory Insurance (thousand rubles per member)	>150	>300

3 STAGES OF INVESTMENT CONSTRUCTION PROCESS

On the base of all the studied information and the examples of implemented projects, the following stages of the investment construction process were determined in this work:

- Pre-design
- Design
- Construction
- Commissioning
- Warranties

It should be noted that this separation is a general case, because this classification depends on the size of the investment project, the complexity of the project and the region of construction. And besides, as it was mentioned above, every region has its own legislation. The Figure 3 Appendix 1 shows this general scheme. These are the main stages of the investment construction process, but the content of them may be different in each region.

The Figure 4 Appendix 1 shows the distribution of responsibility for the execution of each stage of the process. But it also is the general situation and it can be determined more exactly in each case.

More detailed content, documentation and results of the each stage are described below.

4 THE PRE-DESIGN PHASE

The Town Planning Code does not consider the development of pre-design documentation for capital construction objects. However, a number of legislative and other normative legal acts of the Russian Federation directly or indirectly assume the development of pre-design documentation:

1. Section "Efficiency of investment" is excluded from the design documents but in case of the use of the federal budget, this document is required and can be worked out only at the pre-design stage.
2. For registration of the land right a feasibility study of the project (ТЭО) construction or the necessary calculations may be attached to the statement about the choice of the land and prior approval of the location of the object. However, the content and the composition of this feasibility study for construction is not set by any new regulation.
3. For holding public hearings with the participation of citizens in accordance with paragraph 3 of Article 39 of the Town Planning Code and for discussion of proposed economic and other activity, which is the subject of environmental expertise, the preparation of relevant studies and environmental surveys is required.
4. In accordance with Regulation 87, technical conditions are included in the initial data for the preparation of design documentation. The request for technical conditions must include:

- appropriate types of resources: hot and cold water, mains gas, electricity and heat
- planned amount of load necessary for connection

This information cannot be provided without pre-design preparation.

5. Provision of land for construction is allowed when sanitary-epidemiological conclusions about the intended use of the land are available. Sanitary-epidemiological conclusion has to be obtained at the pre-design phase.

If the exact regulations for pre-design documentation do not exist, the preparation of the project documentation can't be done. In this case it is recommended to use old norms defining the content of the pre-design documentation: Investment plan, Declaration of intent and Technical and Economical Substantiation of the project (Investment phase).

Assessment of environmental impact (EIA) is carried out at the pre-design stage. If for some reason, the EIA was not carried out, it should be done in part 8 "A list of activities for environmental protection" in the design documentation, which is provided by Town Planning Code.

This stage is not regulated by any documents, therefore the result can vary significantly depending on the specific situation. Usually it includes:

- investment plan (Declaration of Intent)
- receiving of land plot (cadastral passports of land, state registration ownership or lease of land)
- obtaining technical conditions for connection to the network of engineering and technical support
- obtaining urban development plan
- engineering surveys
- preparation of technical assignment for the design

Each of these procedures is described more detailed further.

4.1 Technical and Economical Substantiation of the project (Investment Phase)

In accordance with recommended documents the pre-design phase of the investment construction process begins with two main steps (Practical Guide. Investment feasibility in the construction enterprises, buildings and structures):

The first step is defining the purpose of the investment (investment plan), the power of construction and the location (region) of the object in accordance with the fundamental requirements and conditions of the customer (investor). The possibilities of the investment and planned technical and economic parameters are assessed at this stage. The investment plan is developed by the customer or designing, consulting firms and other entities and individuals who have received the right on an appropriate activity.

Taking into account the decisions accepted at this stage, the customer sends a statement about the choice of land and prior approval of the location of the object with the necessary initial data and substantiations to executive authority or local government. These documents may be presented in the form of Declaration of Intent. The information in the Declaration of Intent should be accurate as it is the basis for issuing the preliminary technical conditions. At this stage technical condition are necessary for the preliminary cost calculation for connecting the object to engineering services. After obtaining the preliminary approval for performance the planned economic activity from the executive authority, customer organizes the development of the Technical and Economical Substantiation of the project (Investment phase).

The second step is the development of the Technical and Economical Substantiation of the project (Investment phase) on the basis of the received information and the requirements of government agencies and involved organizations. Figure 4.1 shows the scheme of this phase in accordance with Practical Guide: Investment feasibility in the construction of facilities, buildings and structures.

This phase is connected with the procedure of receiving a land plot in case of preliminary approval of location. Question of land acquisition is considered more detailed in the next part.

The Technical and Economical Substantiation of the project (Investment phase) are performed at a level sufficient for the approving of pre-documentation. The customer (the investor) has to make a decision about the further investment, to receive preliminary approval of the location from the executive body of the government, to provide the necessary documentation for the receiving of certain right on land use or to receive the right for a lease of land at auction.

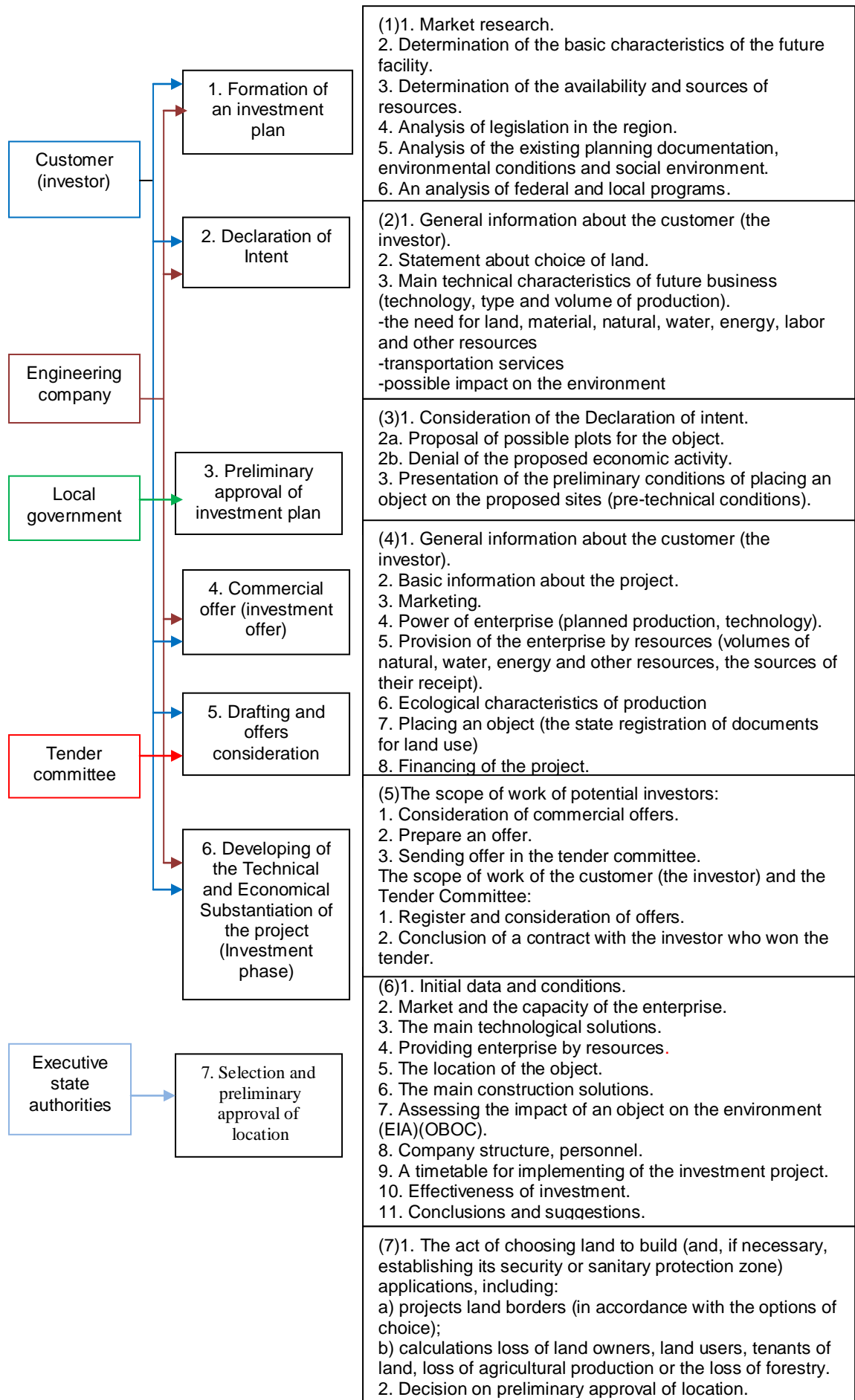


Figure 4.1 Technical and Economical Substantiation of the project (Practical

Guide: Investment feasibility in the construction of facilities, buildings and structures)

4.2 The procedure of receiving the land plot for construction

According to the article 30 of the Land Code, land can be granted with or without the preliminary approval of the locations of the object.

Providing land for the construction without preliminary approval of the location of the object can be carried out only by auction. Providing land plot for construction with the preliminary approval of the location of the object can be done only by the right of rent. For state and municipal institutions, federal state enterprises, public authorities and local authorities land is provided for permanent (unlimited) use.

Providing the land for construction without the preliminary approval of the object location is a procedure initiated by the authorities (local government). It consists of the following steps (Figure 4.2) (Practical guide about providing of land for construction, the issuance the initial data and technical conditions for the enterprises, buildings and facilities, holding approvals and expertise):

- execution of works for forming the land:
 - preparation of the project land boundaries and the determination of its boundaries on the site
 - definition of the permitted use of land
 - definition of technical conditions for connecting objects to the network engineering support and connection fees
 - decision about holding tenders (auctions) or providing land without holding tenders (auctions)
 - publication of the announcement of the tenders (auctions) or receiving applications for providing land without competitive bidding (auctions)
- state cadastral registration of land in accordance with the rules given in Article 70 of the Land Code (cancelled – from 13.05.2008 FL N 66)

- conducting tenders (auctions)
- signing of a protocol on the results of tenders (auctions) or a land lease contract

Land auction scheme assumes that the entire process of preparation of land documentation is done before the choice of investors by state authorities. The investor receives a complete package of documents.

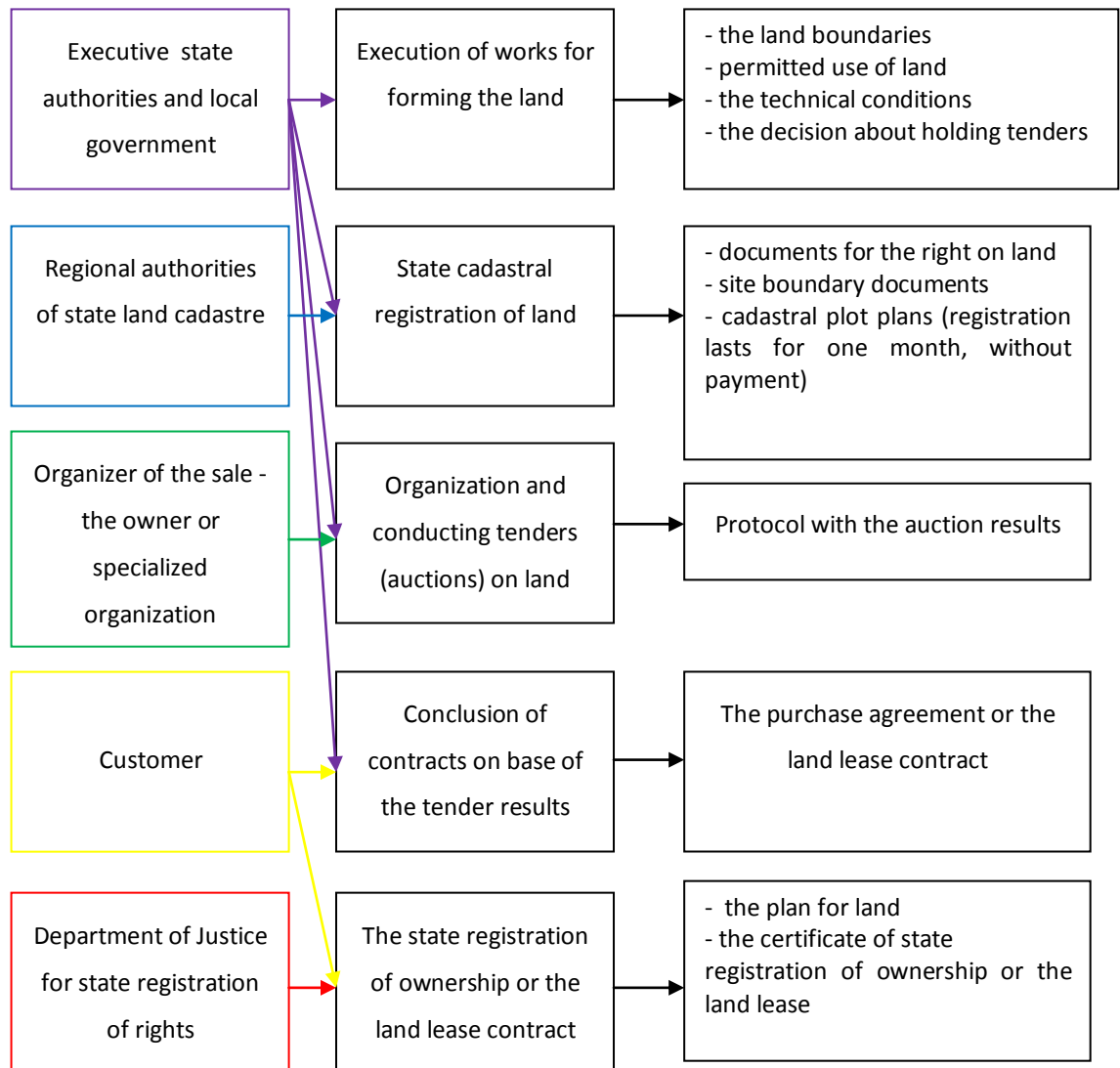


Figure 4.2 Providing the land without the preliminary approval of the object location (Practical guide about providing of land for construction, the issuance the initial data and technical conditions for the enterprises, buildings and facilities, holding approvals and expertise)

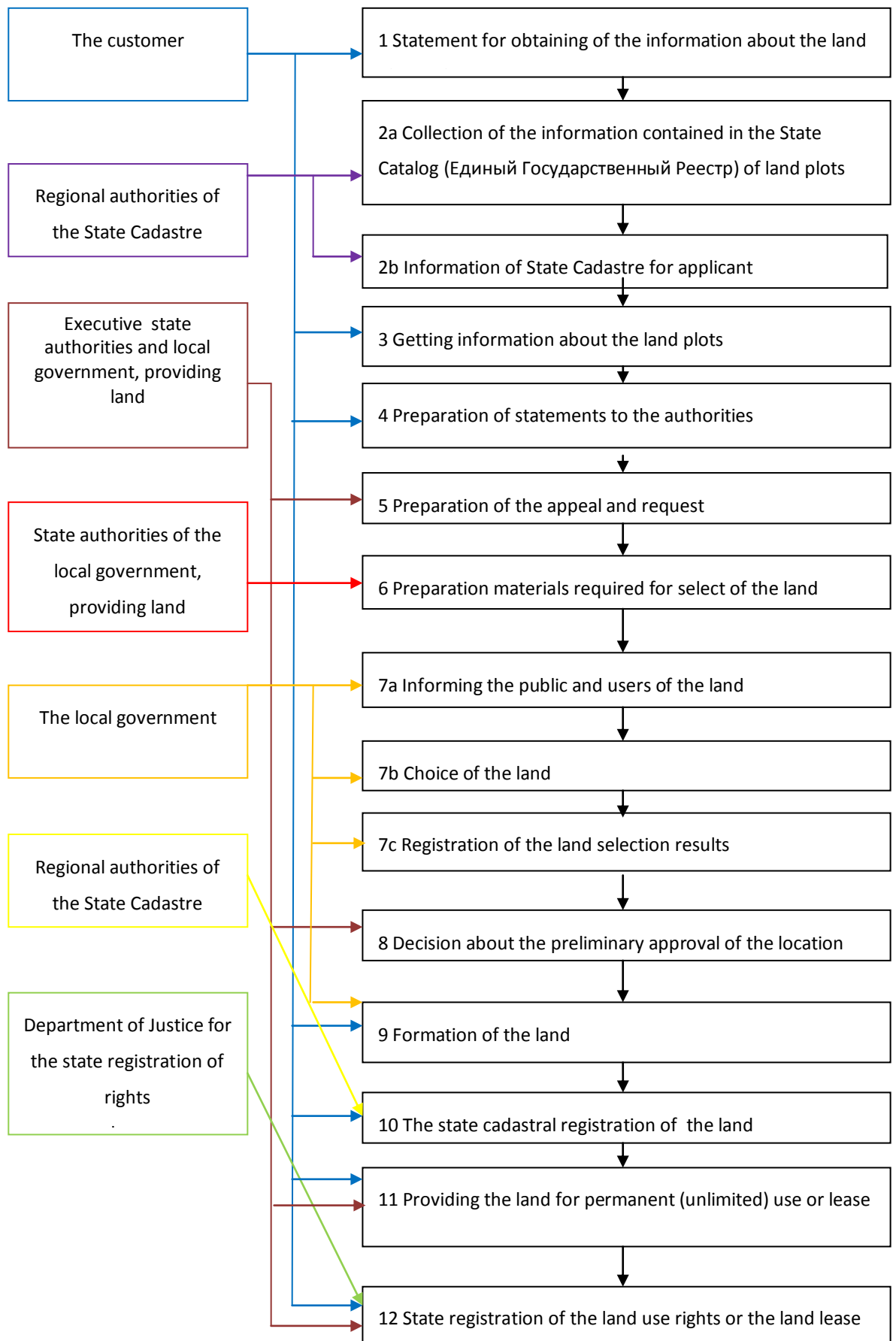


Figure 4.3 Providing land with the preliminary approval of the object location

(Practical guide about providing of land for construction, the issuance the initial data and technical conditions for the enterprises, buildings and facilities, holding approvals and expertise)

Providing land with the preliminary approval of the object location comprises the following steps (Figure 4.3) (ibid.):

- the choice of land and the decision on preliminary approval of location
- implementation of cadastral works and state cadastral registration
- the decision about providing land for the construction

Each step of this process requires a list of documents (Appendix 2).

In the first and second cases the decision of the executive state authority or local government to provide land or the protocol with the auction results are the basis for (ibid.):

- state registration of right of permanent use or the contract of sale
- state registration of ownership of the buyer of the land
- signing the lease contract and state registration of the contract in case of transferring land in lease

Normative time for providing land to private investors is 6-7 months, in urban programs – 3-4 months, because private investors have to use the mechanism of variable selection of land, which requires additional time.

In case of construction on base of the town programs, the result is the appointment of customer, who will represent the interests of investors and will be responsible for preparation and coordination of pre-design and design documentation. If urban planning substantiation was not prepared in advance and was not included in the package of the tender documentation for investor, the result is the development of assignment for urban planning substantiation.

In case of variant selection of a site, the result is signing and registration of the

investment contract with the investor.

4.3 Engineering survey for the land plot

Legislation base for engineering research, as well as for the entire building complex is currently under development. Until the entry into force of regulations, performing engineering surveys must correspond to legal requirements of the Russian Federation, which are normative and technical documents of federal executive authorities (requirements of existing building codes and regulations) without contradiction to Federal Law № 184 "Technical Regulation" and Town Planning Code.

As mentioned above about engineering surveys works which have an impact on the security of capital construction should be performed by an individual employer or legal persons who have a certificate of admission to such types of work issued by a self-regulatory organization (Town Planning Code, art.47 § 2) and the failure to satisfy this requirement is the reason for refusing to accept the results of an engineering research aimed at the state examination.

Engineering surveys for the construction in order to develop design documentation should provide a comprehensive study of natural and anthropogenic conditions in the region, forecast possible changes in these conditions caused by the construction process. The preparation and implementation of project documentation without relevant engineering researches is not allowed (Town Planning Code, art.49 § 1).

Engineering surveys are carried out in accordance with the requirements of technical regulations, the information which is stored in the State Fund of materials and data engineering research, as well as in the information systems of town planning activity.

The basis for carrying out engineering survey is the contract between the customer (developer) and the executives, accompanied by the technical assignment and program execution of engineering surveys. In this case, the relationship between the builder (customer) and executives should be regulated

by art. № 758-762 of the Civil Code “Contracting for implementation of design and survey works. “

The customer (developer) and the executive shall determine the layout of works undertaken during the engineering survey, their size and implementation method, the specifics of the territories and the conditions of transferring the results of engineering surveys.

The technical assignment on engineering surveys for the construction is provided by the customer to the performer of the engineering survey. The technical assignment is signed by the customer and certified by a stamp.

The technical assignment must be done for all engineering surveys or separately on type of engineering survey and at the stage of designing. Technical assignment must be accompanied by graphics and text documents, necessary for organizing and conducting engineering research at an appropriate stage of design. In technical assignment it is not allowed to establish the structure and amount of exploration work, technique or technology of implementation.

Engineering research program is an internal document of the executives of the engineering survey. Program execution of engineering surveys must correspond with technical assignment (SNiP 11-02-96).

Engineering surveys are divided into (Decree of Government №20. Engineering survey for the preparation of project documentation, construction and reconstruction):

- engineering and geodesic survey
- engineering and geological survey
- engineering and environmental survey
- engineering and meteorological survey
- engineering and geotechnical survey

Special types of engineering survey (ibid.):

- geotechnical investigation
- soil survey of the state of basement of buildings and structures
- searching and exploration of groundwater for water supply purposes
- local monitoring of environmental components
- exploration of ground building materials
- local survey of soil and groundwater contamination

The organization of the work during the engineering survey is determined by the Ministry of Regional Development and the Federal Service for Ecological, Technological and Nuclear Supervision.

The results of the engineering survey is a document about completed engineering surveys, containing the material in the text form and in the form of maps (plans) with the information about (Town Planning Code, 2004):

- the tasks of the engineering research
- the location of the territory
- types, volume, methods, and the timing of work to implement the engineering research
- the quality of the completed engineering research
- the results of the comprehensive study of the natural and anthropogenic conditions of the territory, and the forecast of their possible changes during the construction
- the results of assessing the impact of the construction on other objects

The graphical part of the technical report of completed engineering surveys (complex or separate types of engineering research) must include: maps, plans, sections, profiles, graphs, tables of parameters (characteristics, parameters), data catalogues, containing the main results of the examination.

The technical report should be granted to the customer and sent in accordance with the agreement (contract) with saving of attribution to the regional fund of materials engineering survey and other funds (SNiP 11-02-96).

The results of the engineering survey performed for the preparation of the

project documentation must go through state expertise. The results of the engineering survey can be directed to the state expertise combined with the design documentation or before the examination of the design documentation. More detailed expert examination is considered in part 5.3.

On the basis of engineering research materials the development of pre-design documentation, design and detailed documentation is carried out.

4.4 The sketch design

The necessity of undergoing of this stage is based on the contract of design works implementation. The customer must provide justification for carrying out this stage, because in the Government Decree of 27.12.2000 № 1008 the sketch design is not classified for project documentation.

The sketch design documentation, designed to determine the fundamental requirements for town planning, architectural, artistic, environmental and functional concept of the object, confirms the possibility of creating an object for civil purposes. At this stage the development of the construction concept and basic consolidated technical and economic parameters is done for the customer to analyze the investments. This documentation after the approval by the customer is the base for the development of the project. The sketch design documentation cannot be used as valid documents for construction works and the detailed documentation cannot be developed on its basis without approved design documentation.

The basis for determining the content of the documentation at this stage is the Instruction "About temporal order of development, cost and approval of the sketch's architectural project" adopted by Decree of the Ministry of Construction of Russia from 04.06.92 № 135. This instruction is advisory and may be used in a contractual relationship as a supporting material.

Depending on the volume and complexity the construction project was earlier developed by following design stages:

Pre-design stage (required approval)

- Architectural concept (AK)
- Pre-design proposal (ПП)

Project stage:

- Detailed project (P)
- Project (П) + Detailed Documents (РД)

But now in accordance with Regulation 87 “The composition of design documentation and requirements to their content” such a stage as “the feasibility study of the project” (ТЭО), “project”, “detailed project” is not used. Only such terms as “design documentation” and “detailed documentation” are used. That presupposes a two-stage design.

To determine the rational stages of design there are established following categories of complexity of objects (<http://karlo-design.ru>):

- individual projects: large, unique industrial and public buildings
- typical projects of industrial, residential and public buildings and facilities, individual projects of medium size and complexity
- standard projects, small in volume and complexity of objects

Complexity category is determined by the customer and project organization. The stages and the category of the object are set by the customer in the technical assignment.

The sketch pre-design documentation is the primary set of documents necessary for satisfying regulations in the region and for obtaining initial permissive documentation. In addition, this material helps to assess the project and establish the precise requirements for further design.

The development of the sketch pre-design documentation usually includes the following parts (<http://www.archidream.com>):

- a master plan sketch (major decisions on placement of an object in accordance with existing building codes and regulations)
- basic architectural solutions (situational plan, general plan, floor plans, sections, facades, etc.)
- the concepts of engineering systems (if necessary)
- the visualization of the object, its volume solution
- an explanatory note
- the approval of the preliminary design by the customer

4.5 Initial permissive documentation

Initial permissive documents are a collection of documents, including the results of pre-design preparation. Initial permissive documents are the basis for providing a permission to carry out urban development. Initial permit documentation is prepared in accordance with the approved urban planning documents. Gathering initial permissive documents is the duty of the customer in accordance with the contract for the design.

The content of documents:

- the document certifying the right on the land plot (part 4.2)
- technical assignment for design
- an urban development plan
- the results of the engineering survey
- technical conditions

4.5.1 Technical conditions

Technical conditions for the connection of object are techno-economic characteristics of the connection constructed facilities to existing utilities, issued with taking into account the new load of the new structure.

Figure 4.4 shows the procedure of connecting the object to the engineer and

technical support network.

There has to be a request to the local authority or the owner of the land to provide technical specifications or information about fees for connection of the object to the network, which should include (Decree of Government №83, 2006. The approval of the rules of identification and provision of technical conditions for connecting the capital construction object to the networks of engineering support and connection rules of capital construction object to the network of engineer and technical support.):

- the name of the person who made the request, the postal address of a person, their notarized copies
- the documents confirming the authority of the person signing the request
- the documents stating the right of using the land (for the owner of the land)
- the information about the boundaries of the land on which it is planned to construct an object
- the information about permitted use of land
- the information about maximum parameters of the permitted construction, corresponding to the land plot
- the appropriate types of resources received from the networks of engineering and technical support
- a planned date of the commissioning of the capital construction object (if it is relevant information)
- the planned amount of necessary connection load (if it is relevant)

Alignment and issuance of technical conditions are necessary for the connecting the object to the systems of electricity, heating, gas, water and wastewater, implemented by the organization, operating engineering support networks. In most cases the owner of the network or the operating organization gives only a point of connection to the engineering systems, regulations of technical connections and the maximum load, which can provide the network at this point. Engineering communications from this point to the object under construction is the task of the customer, the investor or the developer.

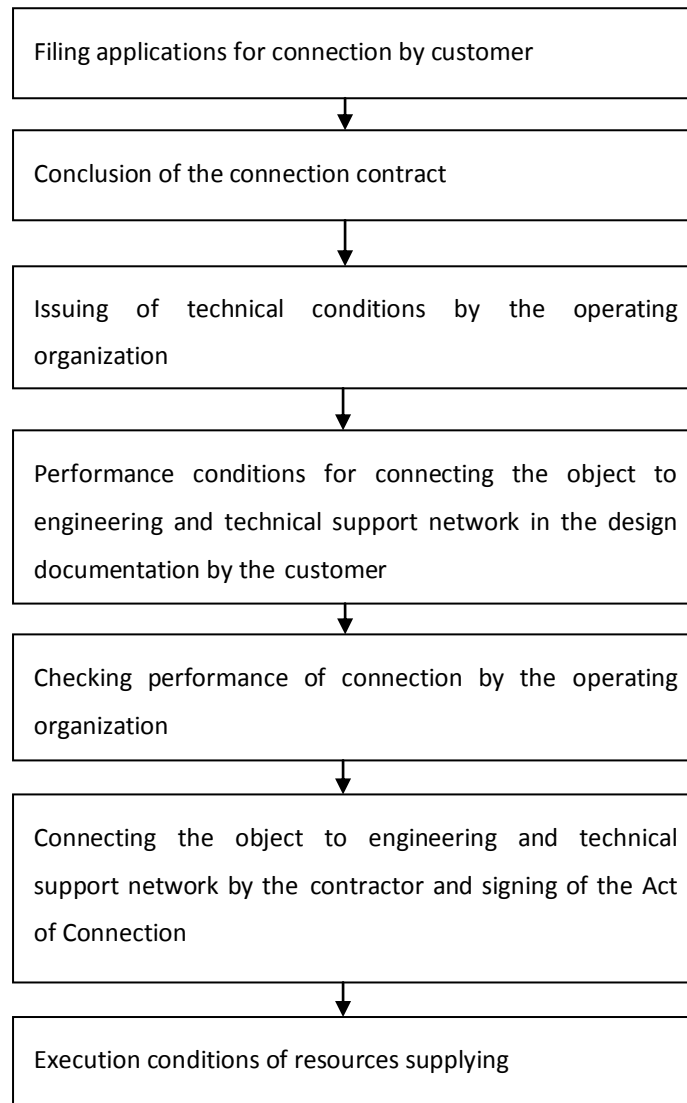


Figure 4.4 The procedure of connecting the object to the engineer and technical support network

The legal owner of the land during one year after the receipt of technical conditions and information on connection fees should determine the necessary load connected to the network engineering support (Town Planning Code, art.48 § 7).

During 30 days the local authority has to provide technical conditions for connection to engineering and technical support network, including the following information (Town Planning Code, art.48 § 9):

- the maximum load

- the period of connecting object to the networks of engineering support
- the validity of the specifications
- the information on connection fees, as well as the payment for technological connection to power network

In accordance with received technical conditions the design company develops design documentation. Deviations from the established parameters that are needed during the design have to be approved with organization provided technical conditions. After performing of the conditions for connecting the object to engineering and technical support network by the customer, the executive organization issues the permit for the customer to carry out the connection to engineering and technical support network. After the accession the executive organization and the customer sign the Act of Connection.

4.5.2 The technical assignment for the design

The technical assignment is an obligatory part of the initial documentation. It is approved by the customer and determines the parameters and volume of the implementation of architectural and urban planning facility, which includes the full range of basic customer requirements and conditions of initial permissive documentation.

Technical assignment for the design is compiled with the assistance of the developer and approved by the customer. Technical assignment for the design is an obligatory document for the development of design estimates.

The content of the assignment for the design depends on the appointment of the object. The list of basic data and requirements is the following (SNiP 11-01-95):

- the name and location of the designed building
- the basis for designing
- the type of construction
- the stages of the design

- the requirements for the variant and tender planning
- special conditions for the construction
- main technical and economic characteristics of the object including power, productivity, production program
- the requirements for the quality, competitiveness and environmental parameters of the products
- technological requirements to the building
- the requirements for architectural, structural, space planning and design concept
- the requirements for prospective development of the enterprise
- the requirements and conditions of the development of environmental conditions
- the requirements for the safety and occupational hygiene
- the requirements for the production assimilation
- the requirements for the development of the engineering activities of civil defence and emergency prevention
- the requirements for the implementation of experimental and scientific researches
- the composition of the presentation materials

4.5.3 The architectural planning assignment

The architectural-planning assignment was a part of the initial permits for construction projects, building permits which were issued till 24.01.2006. After that date, a part of the initial permits as a part of project documentation is the urban development plan of the land.

The architectural planning assignment was issued by the local architecture and town planning authority based on the technical assignment for the design. The basis for the issuance of the architectural planning assignment is the application of the customer (the developer) and the documents certifying their ownership on land.

The architectural-planning assignment includes all information about approved

town planning documentation, mandatory environmental, sanitary, fire safety requirements of the object, the requirements for the protection of historical and cultural monuments, guidance on the construction of special circumstances (seismic zone, the zone of permafrost, etc.), requirements for the rights of citizens and legal persons whose interests are affected during construction.

The urban development plan of the land plot includes all the information that the architectural-planning assignment must contain. Still the urban development plans are not ready on most of territories of Russia and territorial planning documents should be developed until 2012, so in some regions it is still being issued.

4.5.4 The urban development plan

The urban development plan of the land is an obligatory document, which is provided by the developer or the customer for the examination of the design documentation, obtaining building permit, obtaining a permit for the commissioning. The urban development land plan includes (Town Planning Code, art.44 § 3):

- the boundaries of the land
- border areas of public easements
- minimum spacing from the boundaries of the land in order to determine a valid placement of buildings and structures, beyond which the construction of buildings, structures and facilities is prohibited
- the information about town planning regulations
- the information about the permitted use of the land, the requirements for the appointment, the parameters and placement of objects in the specified area
- the information about location within the boundaries of the land objects of capital construction or cultural heritage
- the information about the technical conditions of the connection objects to the engineering and technical supply network
- the border of the planned placement of construction for state or municipal

needs

The structure of the urban development plan of the land may include the information about the possibility of its division into several plots.

The urban development plan may be prepared by the Committee of Urban Planning and Architecture in Saint-Petersburg, Committee of Architecture in Moscow (Москомархитектура) as:

- a part of documentation for land planning and as an integral part of such documentation in case the determination of the land from the state and municipal land takes place for the first time
- as a separate document - in relation to earlier formed land plots

In cases when territory is undivided to land plots, the land plans are not prepared as separate documents but developed only as a part of the planning documentation.

4.6 Approvals

In accordance with Resolution 87 “The composition of the design documentation and requirements to their content” the approval of the pre-design documentation is not required, but actually, this procedure is still carried out. The pre-design documentation is approved (preparation of the conclusions) by authorized organizations. Each of the approval instances has its own regulations describing its procedures. The information about the passage of instance can be found on the website or during the telephone conversation. The documents describing the whole process of development are very general. Each of the coordinating organizations provides a list of necessary documents for the approval. Thus, based on the existing Regulation № 378 Table 4 shows the scheme of approving the documentation for Moscow. In special cases there can be conducted additional approvals of the pre-design and design documentation. Initial permit documentation does not require to be approved if it has been approved at the stage of town-planning documentation.

Current town planning legislation for state examination of pre-design documentation is not regulated. The rationale for the implementation of the state examination can only be initiated by the developer or the customer.

Table 4 Approving of the project documentation for Moscow (Regulation № 378. Regulation about system pre-design and design preparation of construction in Moscow)

	Pre-design urban planning documentation	Initial permissive documentation	Design documentation
Department of Natural Resources and Environment (МОСКОМПРИРОДА)	•	*	•
Center of State Sanitary and Epidemiological supervision (ЦГСЭН)	•	*	•
Fire safety department (УГПС ГУВД)	•	*	"
State department of road traffic safety (УГИБДД)	×	*	"
Department of civil defense and emergencies (ГУ ГО и ЧС)	•	*	"
General Directorate for Cultural Heritage Preservation (ГУОП)	×	*	×
Architectural and planning department (МОСКОМАРХИТЕКТУРА)	•	•	+
Architectural Board (Архсовет МКА)			+
Research and Design Institute of the General Plan (НИИПИ ГЕНПЛАН)	•	*	+
Service of art director (Служба главного Художника)			+
Architectural and planning Directorate (АПУ ОКРУГА)	×	•	+
Underground Structures Department (ОПС МОСГОРГЕОТРЕСТА)	•	*	•
Department of Land Resources (МОСКОМЗЕМ)	•	*	
Real estate department (Департамент имущества)	×	*	
Prefecture of Administrative District	•	•	×
District Council (Районная управа)	•	×	×
Public discussion of the project	•	*	×
Department for maintenance of heat supply systems (МОСЭНЕРГО)	×	×	*
Department for maintenance of electricity supply systems (МОСГОРТЕПЛОЭНЕРГО)	×	×	*
Department for maintenance of water supply systems (МОСВОДОКАНАЛ)	×	×	*

Department for maintenance of water systems (МОСВОДОПРОВОД)	×	×	*
Department for maintenance of sewage systems(МОСВОДОСТОК)	×	×	*
МОСГОРЭКСПЕРТИЗА (control of the quality of design and estimate documentation)	×		•
State Institute of survey and design of engineering structures and communications (МОСИНЖПРОЕКТ)	×		

Symbols:

• - obligatorily approvals

×- approvals carried out if necessary

" - necessary in case of absence on the previous stages

*- approvals do not take place if the documentation has been developed in accordance with state regulations, which certified by signature of the person responsible for project (SNiP 11-01-95):

+ - comprehensive review and approval of architectural and urban solutions by Architectural and planning department

5 THE DESIGN PHASE

The purpose of the design phase is developing, approving and examination of design documentation. Design documentation is developed on the basis of initial permission documentation in accordance with the requirements of Town Planning Code, urban development plan and technical assignment.

After the introduction of the Town Planning Code of the Russian Federation in 2004, a new procedure of development, approval and examination of design documentation was introduced. It identified the exact content of the initial permission documentation provided by the customer or developer to the person implementing the preparation of the project documentation.

As mentioned above, in accordance with Regulation 87 the stage concept is missing, but the implementation of the construction requires the development of the detailed documentation. Therefore, the preparation of the design documentation is a two-stage process:

- design documentation (basic design)
- detailed documentation (detailed design)

Before the introduction of this regulation this phase has been developed in accordance with SNiP11-01-95.

5.1 Design documentation

Design documentation is the collection of documents that contains material in text form and in the form of maps (plans) and defines the architectural, functional and technological, design and engineering concept of construction, reconstruction of the capital construction objects, their parts, overhaul.

Types of works on the preparation of design documentation which affect the security of the construction should only be done by individual entrepreneurs or legal entities that have the certificate of admission to such types of work issued by a self-regulatory organization. Other works on the preparation of project documentation can be performed by any persons or entities (Town Planning Code, art.48).

The person performing the preparation of design documentation can be a developer, engaged by the developer or customer on the basis of a contract person or organization. The person performing, organizing and coordinating the preparation of design documentation is responsible for the content of design documentation and its compliance with technical regulations.

If the preparation of project documentation is performed by an individual or organization on the basis of the contract, the developer or the customer is obligated to provide such a person (Town Planning Code, art.48 § 6):

- the urban development plan of the land
- the results of the engineering research
- the technical conditions

The content of the design documentation of capital construction projects, except for project documentation of linear objects includes the following topics (Town Planning Code, art.48 § 11):

- 1) an explanatory note with initial data for the architectural design, including the results of the engineering research and technical conditions
- 2) the organization scheme of the land made in accordance with the urban development plan of the land
- 3) architectural concept
- 4) structural and space planning solutions
- 5) the information about the engineering equipment, networks of engineering and technical support, the list of engineering activities, the content of technological solutions
- 6) the project of construction organization(ΠΟС)
- 7) the project of organizing the demolition or dismantling of the objects, their parts (if it necessary for the construction of other capital construction projects)
- 8) the list of activities for environmental protection
- 9) the list of activities for fire safety
- 10) the list of activities to ensure access for the disabled to health facilities, education, recreation, sports and other social and cultural facilities
- 11) estimates for the construction funded by relevant budgets
 - 11.1) the list of activities to ensure compliance with the requirements of energy efficiency
- 12) other documents in the cases considered by federal laws

Sections 6, 11, 5 and 9 of the project documentation shall be developed fully for capital construction projects, funded totally or partly by means of respective budgets. In all other cases, the need and volume of development of these parts are determined by the customer and specified in the technical assignment (Regulation 87. The composition of design documentation and requirements to their content).

In other words the customer can define the need and scope of the development only in sections 5, 6, 9 and 11 for the objects which are not funded through the

state budget. Sections 1, 2, 3, 4 and 8 should be fully implemented in the design documentation for all objects of capital construction (Collection of explanations on pre-design and design preparation of the construction, 2008).

The initial data for the preparation of design documentation for the object of capital construction are (Regulation 87. The composition of design documentation and requirements to their content):

- the technical assignment - in case the preparation of project documentation is based on the agreement
- the results of the engineering survey
- an approved and duly registered urban development plan provided for the allocation of the capital construction object
- the documents on the use of land to which the town planning regulations are not applicable
- technical conditions if the functioning of the object is impracticable without the connection with the public network of engineering and technical support
- the documents with the approval of deviations from technical conditions
- permitted deviations from the limiting parameters allowed for the construction of capital construction projects

Until the official release, established by the Russian Ministry of Regional Development of Regulations for the implementation of text and graphic materials for pre-design and design documentation, it is recommended to use GOST 21.1101-2009, System of design documents for construction: Main requirements for design and detailed documentation.

5.2 The approval of design documentation

The approval of design documentation is shown on the example of Moscow. The legal basis for the coordination of project documentation is defined in Article 760 of the Civil Code of the Russian Federation, which determines that the contractor has to receive the customer's approval of the design

documentation and, if necessary the approval of the state authorities and local government.

Design documentation in Moscow is reviewed and approved by the Architectural Commission of Moscow Committee of Architecture (Москомархитектура). While considering the document approvals by Prefect's Office and District Council territory the object location is being checked. The approval document of Moscow Committee of Architecture is called the Certificate of Approval of Architecture and Planning Decisions.

The Town Planning Code does not demand the approval of the ready design documentation by various authorities and organizations. This is explained by the content of the design documentation, as well as the fact that all approvals have been obtained for the planning documentation, the establishment of town planning regulations and determination of the types of permitted uses. The design documentation is developed in accordance with the urban development plan of the land plot, which is designed on the basis of the approved planning documentation. Thus, the approval of the design documentation with numerous authorities becomes unnecessary.

However, approvals of the design documentation are in fact carried out by the preset scheme, in accordance with Figure 4.4. A more complete list of required approvals and addresses of organizations is shown in Appendix 3.

5.3 The state expertise of the design documentation

The design documentation is approved by the developer or the customer after sending it to expertise in the presence of a positive result. It is not allowed to require the approval of the design documentation, if it is not conformed to Town Planning Code.

Design documentation submitted for expertise of the object must correspond to Regulation № 87 independently from design stages.

The results of the engineering survey can be directed to the expertise together

with the design documentation or before project documentation for expert examination.

Expertise of project documentation is conducted by state institutions subordinated to the Ministry of Regional Development. For example, In Moscow it is State Moscow Expertise (Мосгосэкспертиза), in Saint-Petersburg – Center of State Expertise (СГСЭН).

The purpose of the expertise is the assessment of conformity of design documentation to the requirements of technical regulations (sanitary and epidemiological, environmental requirements, the requirements of state protection of cultural heritage, with fire, industrial, nuclear, radiation and other safety), as well as the results of engineering research, and assessment of conformity engineering survey results with the technical regulations.

For the first time the Town Planning Code (Part 5 of Article 49) clearly defines the subject of public examination of the project documentation:

- technical regulations (consolidated in general document requirements for all types of security - epidemiological, environmental, fire, industrial, nuclear, radiation and other types of security requirements)
- the results of engineering surveys

There can't be conducted any other expert examination of the project documentation, except the expertise of the design documentation, state environmental expertise of the design documentation for (Town Planning Code, art.49 § 6):

- exclusive economic zone of the Russian Federation, on the Continental Shelf of the Russian Federation
- in the inland sea waters, territorial sea of the Russian Federation, on the lands of specially protected natural areas
- the documentation associated with the placement and disposal of waste I - V class of danger

For the expertise project documentation and engineering survey results at the same time the following documents are required (Regulation №145. Organization and conduction of state expertise of design documentation and results of engineering survey):

- a statement to hold a public examination, which shall include:
 - a) identifying the information about the executives of the design documentation and engineering surveys (surname, name and details of identity documents, address, the place of residence of an individual entrepreneur, the full name and location of legal entity);
 - b) identification information about the object of capital construction, project documentation and the results of the engineering research (the name of the object of the proposed construction, the address of the object, basic technical and economic characteristics of the object (area, volume, length, number of floors, production capacity));
 - c) identification of the applicant (customer or developer)
- the design documentation for the object
- a copy of the technical assignment for design
- the results of the engineering research
- a copy of the assignment for the performance of engineering surveys
- the positive result of the ecological expertise in case the state examination of the design documentation is carried out in the exclusive economic zone of the Russian Federation on the Continental Shelf of the Russian Federation, in internal sea waters or in the territorial sea of the Russian Federation
- documents confirming the applicant's right to act on behalf of the developer or customer (if the applicant is not the customer or developer)

The duration of the state expertise depends on the complexity of the object of the capital construction but it should not exceed three months.

The result of the state expertise of the design documentation is the conclusion of the compliance (positive opinion) or discrepancy (negative conclusion) of the design documentation with:

- requirements of technical regulations
- the results of engineering research
- requirements for the content of design documentation

The organization of the state expertise shall not participate in the implementation of the design and (or) engineering research. The organization of the state expert examination will investigate the documents within 3 working days from the date of the receipt of the applicant's documents. During the state expertise it is possible to make changes in the design documentation.

Persons certified as government experts have the exclusive right to prepare the state expertise. The assessment of government expert's is carried out by the central or regional certification commissions of the Ministry of Regional Development. The certification committee consists of the staff of the Ministry of Regions of Russia, executive authorities of the subjects of the Russian Federation, Federal Expertise (Главгосэкспертиза), but may also have specialists from the field of architectural design, engineering research, technical management, town planning, experts of other organizations and institutions (Decree of the Ministry of Regional Development N 133, 2009. Assessment of Experts).

The examination of the documentation at the state expertise is at the expense of the applicant. Payment for services for the state examination is performed regardless of the result of the examination.

For the first time there has been introduced decree in which instead of many state authorities of expertise involved in the audit of design documentation, should be only one state authority, authorized to carry out the state expertise of the design documentation. Earlier, there had been ten such authorities who carried the state expertise in accordance with various federal laws.

5.4 Obtaining the building permit

The building permit is a document confirming that the project documentation conforms to the requirements of the urban development plan of the land and giving the right to perform construction, reconstruction, capital construction projects, as well as their repair to the developer (Town Planning Code, art.51).

The building permit is issued by a local authority. For obtaining a building permit the developer sends the application for a building permit to the federal executive authority (In Moscow Ministry of Regional Development (Министерство Регионального развития), Moscow State Construction supervision (Мосгосстройнадзор), in Saint-Petersburg Center of State Expertise and Supervision (СГСЭН)) with the following attachments:

- 1) the documents of land rights
- 2) the urban development plan of the land
- 3) the materials contained in the project documentation:
 - a) an explanatory note
 - b) the organization scheme of the land made in accordance with the urban development plan of the land
 - c) schemes showing the architectural concept
 - d) the details of engineering equipment, a plan of engineering support network with the designation of the place to connect the planned object to the public network
 - e) the project of the construction organization
 - f) the project of organizing the demolition or dismantling of capital construction objects and their parts
- 4) the endorsement of the state expertise of design documentation and the state ecological expertise in special cases
- 5) the permit for the deviation from the limiting parameters allowed construction, reconstruction (if the developer was granted such a permit in accordance with Article 40 of this Code)

The statement may be accompanied by the endorsement of the non-state

examination of design documentation.

Appropriate federal executive authorities have to within 10 days from the date of the receipt of the application for a building permit:

- check the availability of documents attached to the application
- review the compliance of design documents or the scheme of planning the organization of the land with a designation of the location of individual housing requirements of the urban plan of the land
- issue a construction permit or deny issuing such a permit and specifying the reasons for the refusal

The building permit is issued for the period provided by the project of organization construction object.

5.5 Detailed documentation

Detailed documentation this is documentation developed on the basis of the approved design documentation for construction work. The list of detailed documentation includes the working drawings and specifications, which provide complete detailing (flanges, bolts and nuts, metal, welding seams, tolerances) for construction works. Detailed documentation is used directly on the construction site and that allows to determine the costs of the construction and installation work.

In accordance with article 4 of Government Decree 87 the detailed documentation is prepared for implementation of architectural, engineering and technological concepts during the construction. The decree doesn't give instructions on the sequence development of documentation that determines the possibility of its implementation with the preparation of design documentation and after the preparation of design documentation. The volume, composition and content of the detailed documentation should be determined by the customer (the developer), depending on the degree of detalization of the project decisions and indicated in the technical assignment on the design.

According to the opinion of the Ministry of Regional Development of Russia, in case of developing design and detailed documentation at the same time all documentation can be submitted to state expert examination together (Letter from the Ministry of Regional Development from the 23rd of June 2009 № 19273). In case of changes in the technical decisions during construction which affect on the structural reliability and safety, project documentation has to be sent at the state expertise again (Resolution №145. Organization and conduction of state expertise of design documentation and results of engineering survey).

Regional Development of Russia recommends taking the distribution of the base price of the design in the determination of the cost of design works as follows:

- design documentation - 60%
- detailed documentation - 40%

The contractor has to carry out the construction and related work in accordance with the technical documentation defining the scope, content and other requirements, and with an estimate that determines the price of work (Civil Code, art.743).

The contract for the construction work should conform to the composition and content of technical documentation, and must include the information, which of the parties and within what period of time should provide the relevant documentation.

6 THE CONSTRUCTION

The types of construction which affect the security of the construction should only be done by individual entrepreneurs or corporate entities that have the certificate of admission to such types of work issued by a self-regulatory organization. Other kinds of construction of objects can be performed by any persons or entities (Town Planning Code, art.52).

The person performing the construction of the object can be the developer or engaged by the developer or customer on the basis of a contract person or entity. The person performing the construction organizes and coordinates the work of the construction object, ensures its compliance with design documents, technical regulations and safety during these operations and is responsible for the quality of works.

For carrying out the construction of the object by the person engaged in the construction on the basis of the contract developer or the customer must prepare:

- the land for construction
- the materials of engineering survey
- design and detailed documentation
- the construction permit

For construction supervision the developer or the customer must send the notice of the beginning of such works to state construction supervision executive authority not later than seven working days prior to the construction with following documents:

- the copy of building permits
- the design documentation
- a copy of the document for the designation of an area on the lines indented from the red lines
- general and specialized workbooks, which keep the record of the performed work
- positive decision of the state expert examination of design documentation

The person performing the construction shall:

- perform the construction of the object in accordance with the technical assessment of the developer or customer, design documentation, the requirements of urban development plan of the land, technical

regulations

- ensure the safety of the work for participants and the environment, the requirements of labor safety, preservation of cultural heritage
- ensure access to the territory for representatives of the developer or the customer, state construction supervision, to provide them the necessary documentation
- carry out building control
- ensure performing of executive documentation notify the developer or customer, representatives of the State Construction Supervision about time of construction
- ensure the correction of mistakes and discontinuing the work before drawing up the acts of identified deficiencies
- ensure quality control of used construction materials

6.1 Building control

Building control is carried out during construction in order to verify compliance of works to design documentation, technical regulation requirements, the results of engineering research and requirements of urban development plan of land.

Building control is performed by a person engaged in the construction. The developer or the customer on their own initiative may involve the person performing the preparation of project documentation to verify compliance of works of design documentation.

The person performing the construction shall be obliged to notify the authorities of the state construction supervision on each case of emergencies at the object of capital construction.

In case of identifying weaknesses in works, structures and parts of the networks of engineering support in the results of the control, the contractor or the customer may require the monitoring of these works, structures, and parts of the networks again after the removal of the identified deficiencies. The acts of acceptance of such works, structures, connection to engineering and technical support network should be signed only after removal of the defects.

6.2 State construction supervision

The subject of the state construction supervision is to check (Regulation № 54, 2006. State construction supervision):

- the compliance of works and used building materials during the construction, as well as the results of such work, including technical regulations, design documentation and requirements to energy efficiency of equipment
- the availability of building permits

According to the results, the authorities of state construction supervision execute the act, which is the basis for issuing orders aimed at eliminating the violations to the person performing the construction. The orders specify the type of the violation with the reference to the legal act, technical regulations and design documents, requirements of which have been violated, and also establish a period of eliminating the violations.

The implementation of other types of state supervision in the construction is not allowed, except state construction supervision and state environmental checks of facilities, the construction of which is carried out in the exclusive economic zone of the Russian Federation, on the continental shelf of the Russian Federation, in internal sea waters, territorial sea of the Russian Federation, on the lands of specially protected natural areas.

Federal executive bodies, authorized to perform state construction supervision, are:

- the Federal Service for Ecological, Technological and Nuclear Supervision – Rostekhnadzor (Ростехнадзор) (Moscow – Mosgosstroyнадзор (Мосгосстройнадзор), St.-Petersburg – Gosstroyнадзор (Госстройнадзор))
- the Ministry of Defence of the Russian Federation, Federal Security Service of the Russian Federation, Federal Service of the Russian

Federation and other federal executive bodies, which, in accordance with the decrees of the President of the Russian Federation, are responsible for the implementation of state construction supervision (of unique and extremely dangerous objects)

State construction supervision is carried out during the construction of projects, in case if the design documentation on their construction is the subject of public examination, in accordance with Article 49 of the Town Planning Code, or if it is standard design documentation, which has already received a positive opinion of the state examination.

The task of state construction supervision is the prevention and detection of the violations of legislation on town planning, including technical regulations and design documentation committed by the developer, the customer or the contractor.

The authority of the state construction supervision carries out (Regulation № 54, 2006. State construction supervision):

- the state fire supervision
- the state sanitary-epidemiological supervision
- state control in the field of Environmental Protection (State Environmental Control) in cases which are covered by Town Planning Code

The state construction supervision is carried out in the form of inspection from the date of the receipt by the authority of the state construction supervision notice from the customer or the developer about the date of starting work before the date of the issuance of the conclusion on the conformity of the constructed object with the requirements of technical regulations and design documents (the conclusion of compliance).

Reaching the compliance or taking the decision not to issue such reports are issued by state construction supervision to the developer or the customer within 10 working days. The decision to refuse to issue opinions on the conformity

must contain references to the technical regulations (regulations), other regulatory legal act and the design documentation.

The information obtained during the state construction supervision is transferred to the systems of information supervision.

7 COMMISSIONING

The permit for commissioning is a document that certifies the implementation of the construction in full compliance with the building permit, the compliance of the constructed object of capital construction with the land development plan and project documentation. The scheme of receiving the last permission in the construction process is presented on Figure 7.1.

For obtaining the permit for commissioning the developer appeals to the federal executive authority (In Moscow Ministry of Regional Development (Министерство регионального развития), Moscow State Construction Supervision (Мосгосстройнадзор), in Saint-Petersburg – The Center of State Expertise and Supervision (СГСЭН)) with the application for the commissioning. Alongside the application for the commissioning the following documents are needed (Town Planning Code, art.45 § 3):

- the documents on right use of land
- the urban development plan of the land
- building permits
- the Act of acceptance (Акт приемки) of the capital construction object (in case of the construction on a contractual basis)
- the document confirming that the constructed object conforms to the requirements of technical regulations, signed by the person performing the construction
- the document confirming that the parameters of the constructed object conform to design documentation, including the requirements of energy

efficiency requirements to equipment, signed by the person carrying out the construction

- the document confirming that the constructed object conforms to the requirements of technical assessment, signed by the person performing the construction
- the scheme showing the location of the completed project, the location of network engineering and technical support within the boundaries of the land and the plan of land organization, signed by the person engaged in the construction
- the decision of the state construction supervision

The permit for commissioning is issued to the developer if the federal executive authorities receive a copy of the scheme showing the location of the constructed object, location of the network engineering and technical support within the boundaries of the land and the plan of land organization for the placement of such copy into the information system of town planning activity.

After receiving a message from the contractor about their readiness to perform construction works in accordance with the contract the customer shall immediately proceed to its acceptance (Civil Code, art.753).

The customer organizes and implements the acceptance of the result of work at his own expense, unless otherwise considered in the contract for construction works. The representatives of state agencies and local government should participate in the acceptance of the result of work.

The performing of the result of work by the contractor and its acceptance by the customer are formalized by the act, signed by both parties. In some cases, the acceptance of the result of work is carried out after receiving the positive result of preliminary tests.

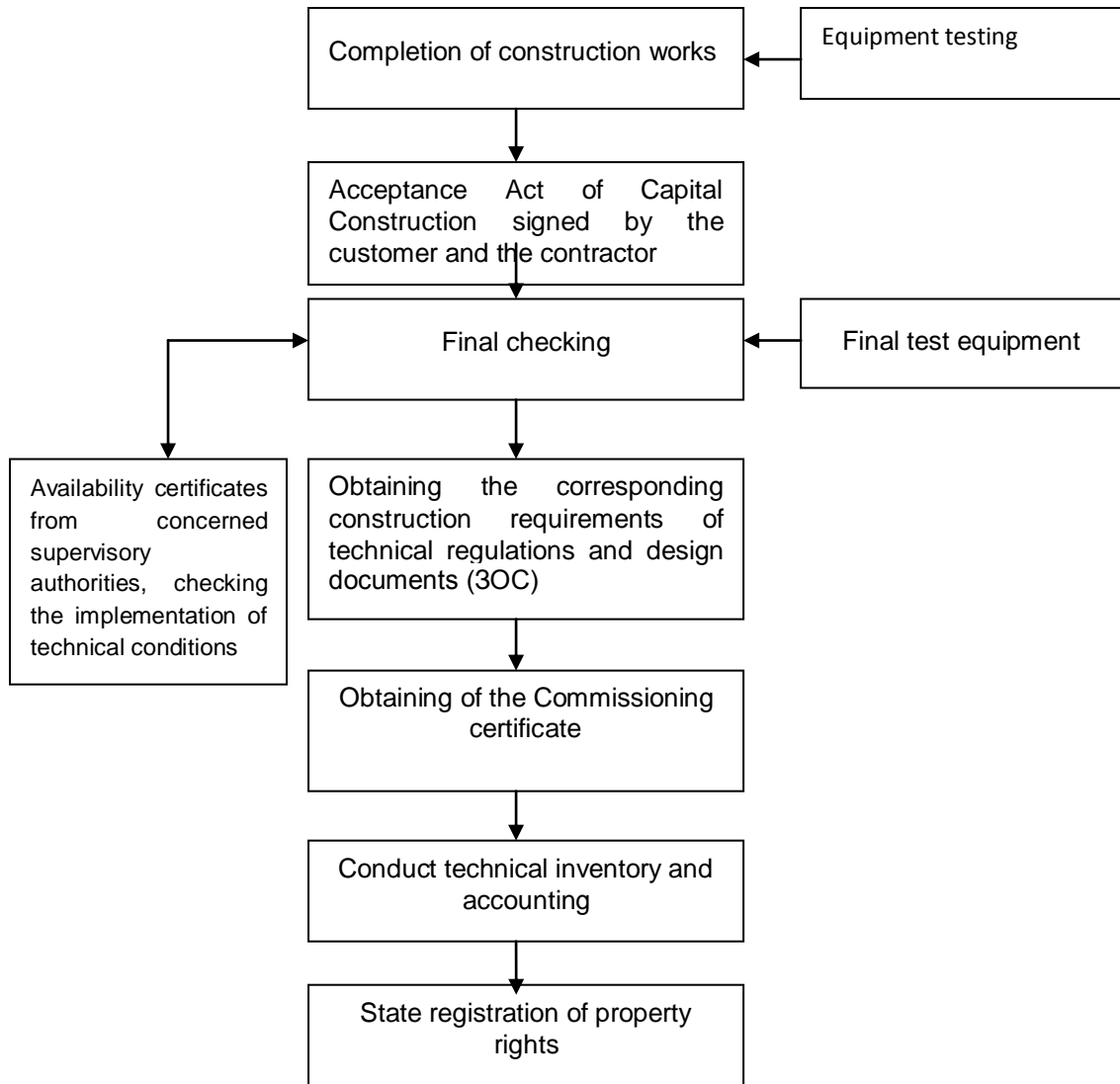


Figure 7.1 Schema of receiving of permit for commissioning

The customer has the right to refuse to accept the result of work in case of detection of mistakes which affect the usage of the object and cannot be repaired by the contractor or customer.

The permit for commissioning is the basis for the state registration of the built object.

8 WARRANTIES

In accordance with article 55.4 of Town Planning Code a Self-regulatory organization may introduce obligatory insurance for members or refuse this procedure.

Insurance is an important mechanism allowing protecting members of the self-regulatory organization, and reducing financial risks, if one member of the self-regulatory organization is guilty of causing harm due to defects of works that affect the safety of the capital construction, in the field of engineering surveys and architectural design works. First, compensation is produced by an insurance company under a contract of liability insurance. In case of lack of insurance, compensation is produced by The Compensation Fund to the self-regulatory organization.

In case of payments from The Compensation Fund, a member of the Partnership or its former members, guilty of causing harm, must return an amount of equal size of these payments to The Compensation Fund during two months from the date of payment, for increasing of The Compensation Fund to the minimum size.

In case of violation by a member of the Partnership or its former members guilty of causing harm conditions of replenishment of The Compensation Fund, the Partnership shall present him the appropriate requirements in court . In case of reduction of the Compensation Fund below the minimum size and inability to restore its level in the period of two months in other ways, The Partnership Board takes a decision to make Partnership's contributions to The Compensation Fund for all members.

9 CONCLUSION

At the moment, the main barriers in the construction process of Russia are:

1. Long duration procedure of receiving the land plot agreement, lack of urban developed plans (in accordance with the requirements of the Town Planning Code, all town planning documents must be developed before the 1st of January 2012)

Land plots will be granted only on competitive basis, the exceptions will be strictly limited. And for the provision of land at auction it is necessary to perform a wide range of works for the preparation of such a plot: allocation of borders, the state cadastral registration, performing of engineering surveys, determination the parameters of the permitted construction and technical conditions for connecting the object to the network engineering support. It's a long process, which requires substantial expenses of local budgets.

2. The procedure of obtaining the construction permit. In accordance with investigation of international organizations, the cost of the procedures for obtaining building permits is 40 times higher than in the countries of Europe and America (speech of Prime Minister of Russian Federation Putin V.V. in Volgograd 15.07.2010, <http://premier.gov.ru>)
3. Huge amount of approvals of project documentation. In fact, the required number of approvals and expertise of design documentation depends on a particular object from its functional purpose, parameters and other characteristics, conditions of construction and location of the object as well as other factors. The main direction of the development of legislation is aimed at reducing the number of approvals needed.

Town Planning Code established a single procedure for issuing building permits (Article 51) and permission on commissioning (Article 55), set the state examination of design documentation (Section 1, Art.49) and cancelled approving of ready project documentation and commission for acceptance of an object. However, local government still requires approving and that makes the functioning of construction companies harder.

4. The problem of obtaining the technical conditions for connection to the network engineering and technical connections. Now very often

construction companies have to make all infrastructure for the connection instead of authorities.

One positive change is the introduction of obtaining approvals on a principle of the single window, but the system only starts to work and not everywhere. The basic ideas of the principle of the single window are:

- the maximum simplification of the procedures of receiving documents for applicants
- reducing the time required for the filling of the application and receiving the document
- exclusion of unobjective decision-making and of the contact between the applicants and government officials
- exclusion of the necessity to collect and provide the document to the services of the single window which has no direct relationship to the procedure in question by the applicant
- ensuring the interaction of executive authorities and municipal organizations with federal authorities and (or) their territorial bodies on the questions of their shared competence

Another big change is the formation of self-regulatory organizations. From 1st of January 2010 according to the Federal Law № 148 "On the self-regulatory organizations", companies wishing to participate in the construction process must join self-regulatory organizations and only there they are able to get the appropriate approvals to carry out the survey, design and construction.

This is, first of all, the exclusion of excessive control, monitoring, supervision and regulation by the state of the construction industry. Secondly, the creation of SROs comprehensively solve security issues of construction, development of new packages of documents and regulations, standards, and most importantly - would provide liability for all violations identified during the survey, design and construction.

The main advantages of SRO are:

- detection of unscrupulous companies
- increasing the competitive ability of construction firms within the SRO
- increasing financial responsibility for the quality and safety of the construction

But it also has the following problems:

- the value of the compensation fund. This amount is very big for small firms and businesses. That will lead to the monopolization of the construction by large firms, and cause the delay in the development of small construction businesses
- the transfer of state functions, quality control and safety survey, design and construction works to self-regulatory organizations may lead to a lack of control in this industry
- the development of uniform standards of self-regulatory organizations, including the rules for admission to work. All documents produced by SRO are advisory in nature. Until at the legislative level there is not a document setting out clear rules for admission to work, SROs may themselves specify criteria for evaluation.

Therefore, despite these new benefits, construction legislation requires a lot of improvements.

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Regulation № 1008, 2000. The order of the state examination and approval of the urban planning, design and project documentation.

Town Planning Code, 2004. Edition from 27 July 2010.

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Karlo design Ltd:

http://karlo-design.ru/index.php?option=com_content&task=view&id=37
(Accessed on 30 May 2011)

Website of the Prime Minister of the Russian Federation Vladimir Putin:

<http://premier.gov.ru/events/news/11392> (Accessed on 30 May 2011)

Scheme of construction process in Russian Federation



Figure 1

Company - Ahma Insinöörit OY operates as a construction and project management consulting company in Finland, which provides:

- project management services for the design and implementation of industrial production facilities
- project planning
- environmental impact assessment
- site supervision
- acceptance inspection

1. INTRODUCTION

The main questions described in this work:

- the main stages of investment construction process
- main members and their responsibilities
- all the necessary documentation for realization of the project

2. PARTICIPANTS OF THE INVESTMENT CONSTRUCTION PROCESS

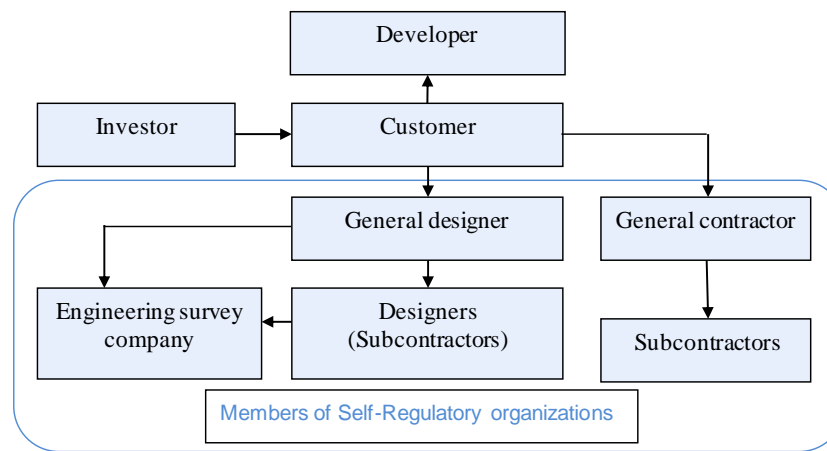


Figure 2

3. STAGES OF INVESTMENT CONSTRUCTION PROCESS					
Project stages	Pre-design	Design	Construction	Commissioning	Warranties
Design stages	Town planning documentation	Design documentation (basic design)	Detailed documentation (detail design)		
Project activities	1. Technical and Economical substantiation of project (Investment Phase): Investment plan: -Declaration of Intent 2. Determination of the land plot 3. Engineering survey 4. Receiving of town planning documentation 5. Receiving of technical conditions 6. Formation of technical assessment Approving of project documentation	1. Development of design documentation 2. State examination of design documentation 3. Approving of design documentation	1. Developing of detailed documentation 2. Construction works 3. Building control 4. State supervision	1. Elimination of defects 2. Final checking	Performance of guarantee obligations on base of Self-regulatory organization's rules (Compensation fund)
Results of stage	1. Land use rights 2. Technical conditions 3. Technical assessment 4. Results of engineering survey 5. Urban development plan	Building permit	1. Acceptance Act (customer-contractor) 2. Conclusion of the state supervision about conformity (positive opinion) or unconformity (negative conclusion) design documentation with requirements of initial permissive documentation, requirements of the content design documentation.	1. Commissioning certificate (permit) 2. State registration of the object	

Figure 3

Distribution of responsibility		Customer					Contractor	Designer	
		Marketing department	Planning and Finance department	Design department	Estimate and contract department	Capital construction department		Engineering research organization	Design organization
Pre-Design	Idea of the project (Investment plan)	■							
	Technical and Economical Substantiation of the project (Investment phase)		■						
	Allocation of the land plot					■			
	Obtaining of technical conditions			■					
	Obtaining of urban plan					■			
	Technical assignment			■					
	Conclusion of a contracts				■				
Design	Engineering survey						■		
	Designing							■	
	Approving							■	
	State expertise			■					
	Obtaining of building permit					■			
	Detailed designing							■	
Construction	Construction					■			
	Building control					■			
	State supervision					■			
Commissioning	Commissioning works					■			
	Obtaining of Commissioning certificate					■			
	Elimination of defects					■			
	State registration of the object					■			
Warranty						■	■	■	

Figure 4

4 THE PRE-DESIGN PHASE

Pre-design documentation:

- investment plan (Declaration of Intent)
- receiving of land plot (receipt of cadastral passports of land, state registration ownership or lease of land)
- engineering surveys
- technical conditions for connection to the network engineer and technical support
- obtaining urban development plan
- preparation of technical assignment for the design

Figure 5

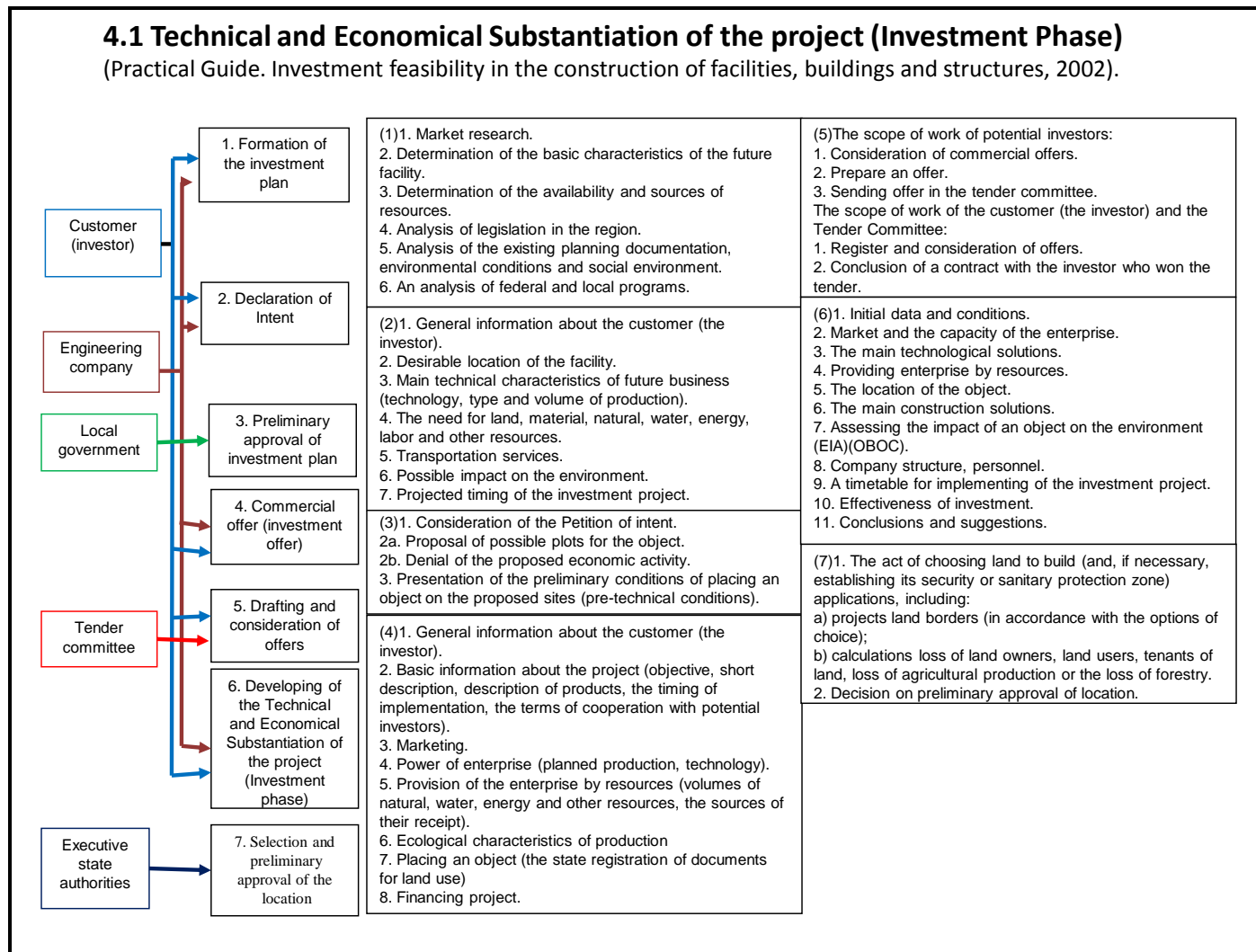


Figure 6

4.2 Procedure of receiving land plots for construction

Providing the land for construction without the preliminary approval of the object location (auction) (Practical guide about providing land for construction, the issuance of the initial data and technical conditions for the enterprises, buildings and facilities, holding approvals and expertise, 2003).

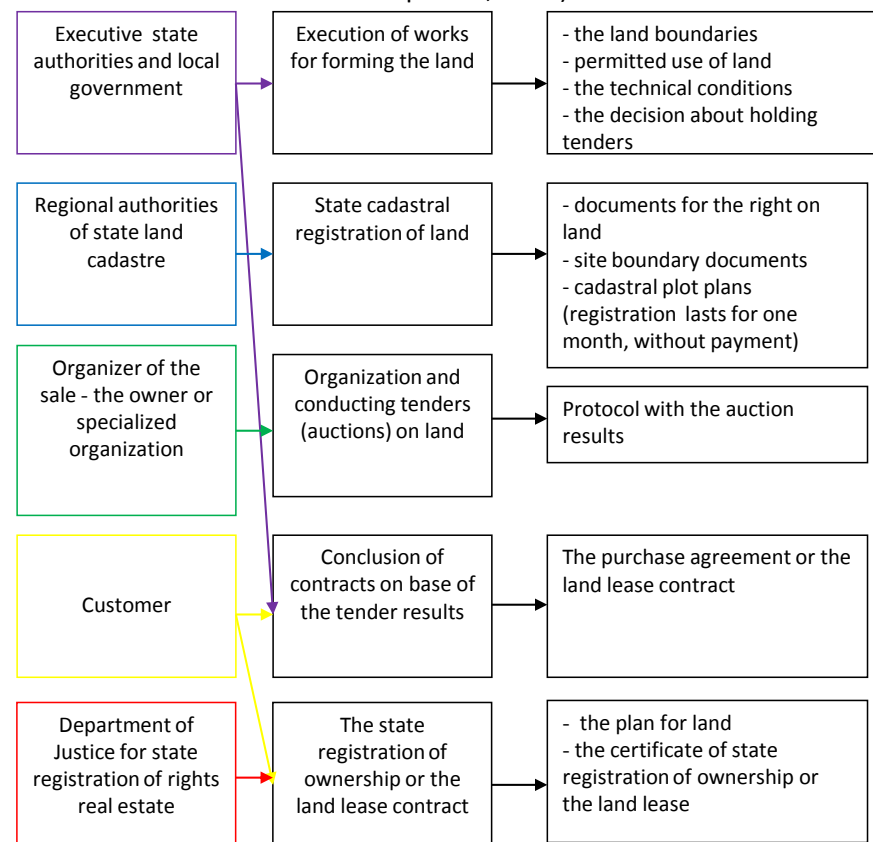


Figure 7

**Providing the land with the preliminary approval of the object location
(private investor)** (Practical guide about providing land for construction, the issuance of the initial data and technical conditions for the enterprises, buildings and facilities, holding approvals and expertise, 2003).

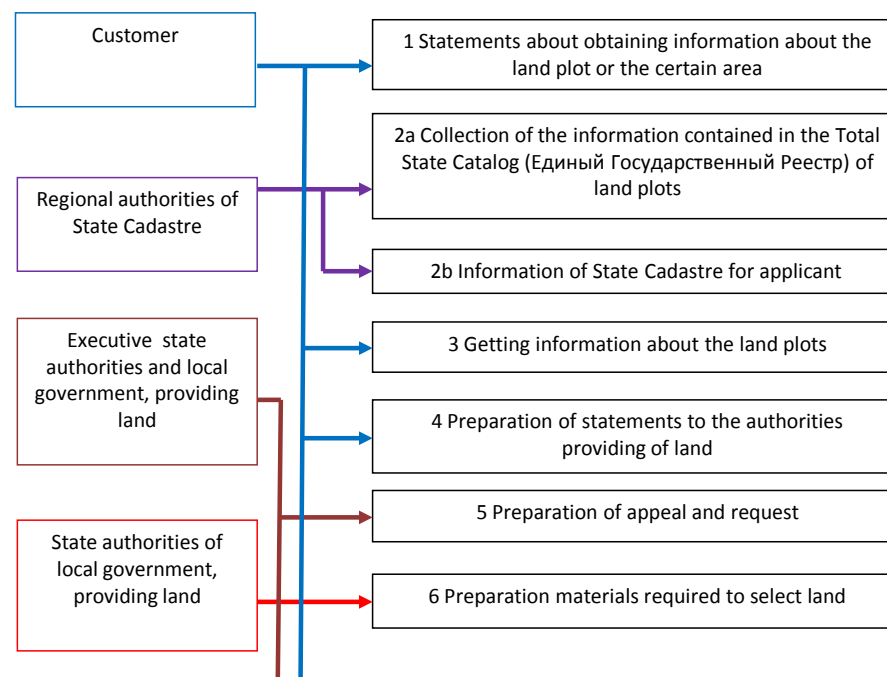


Figure 8

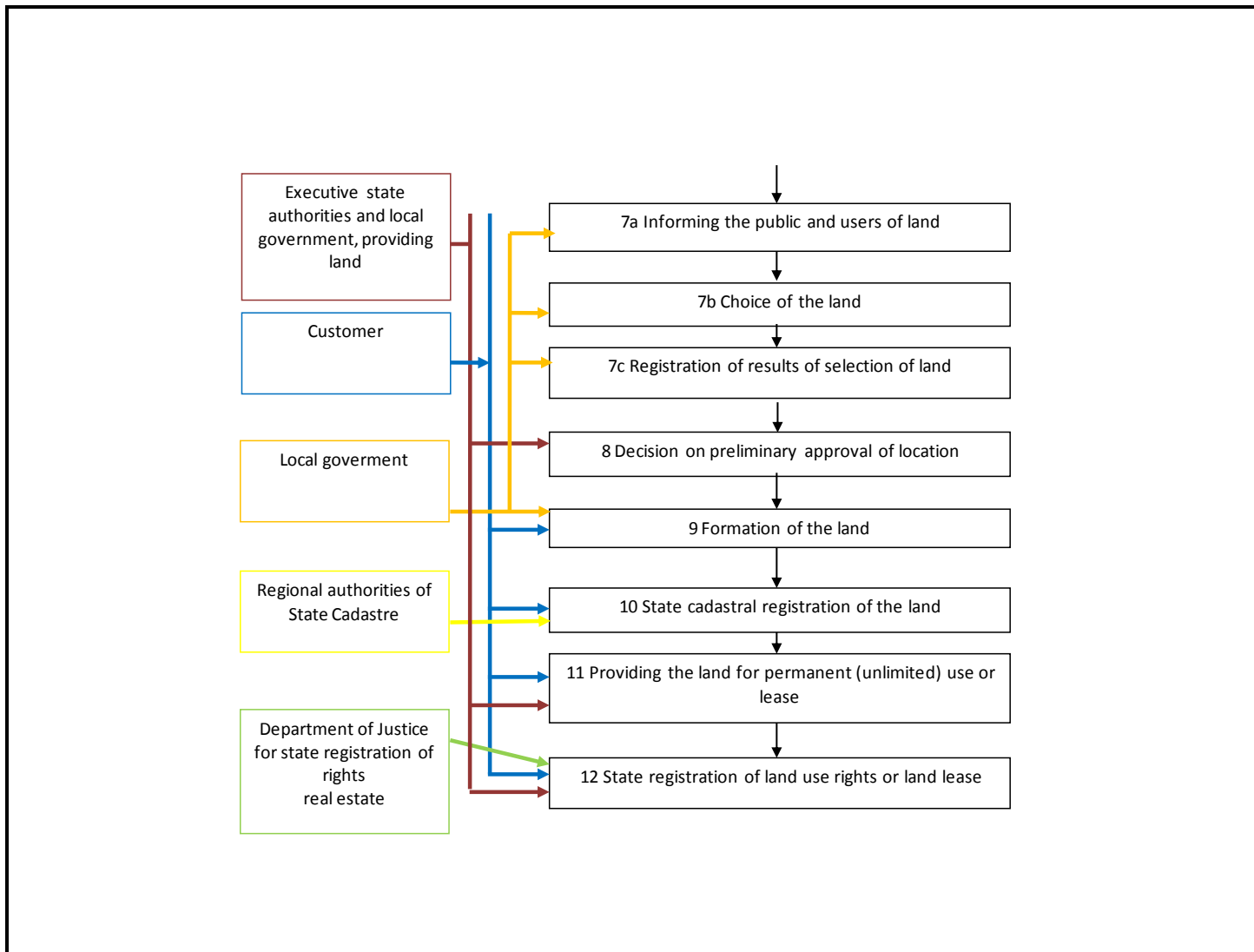


Figure 9

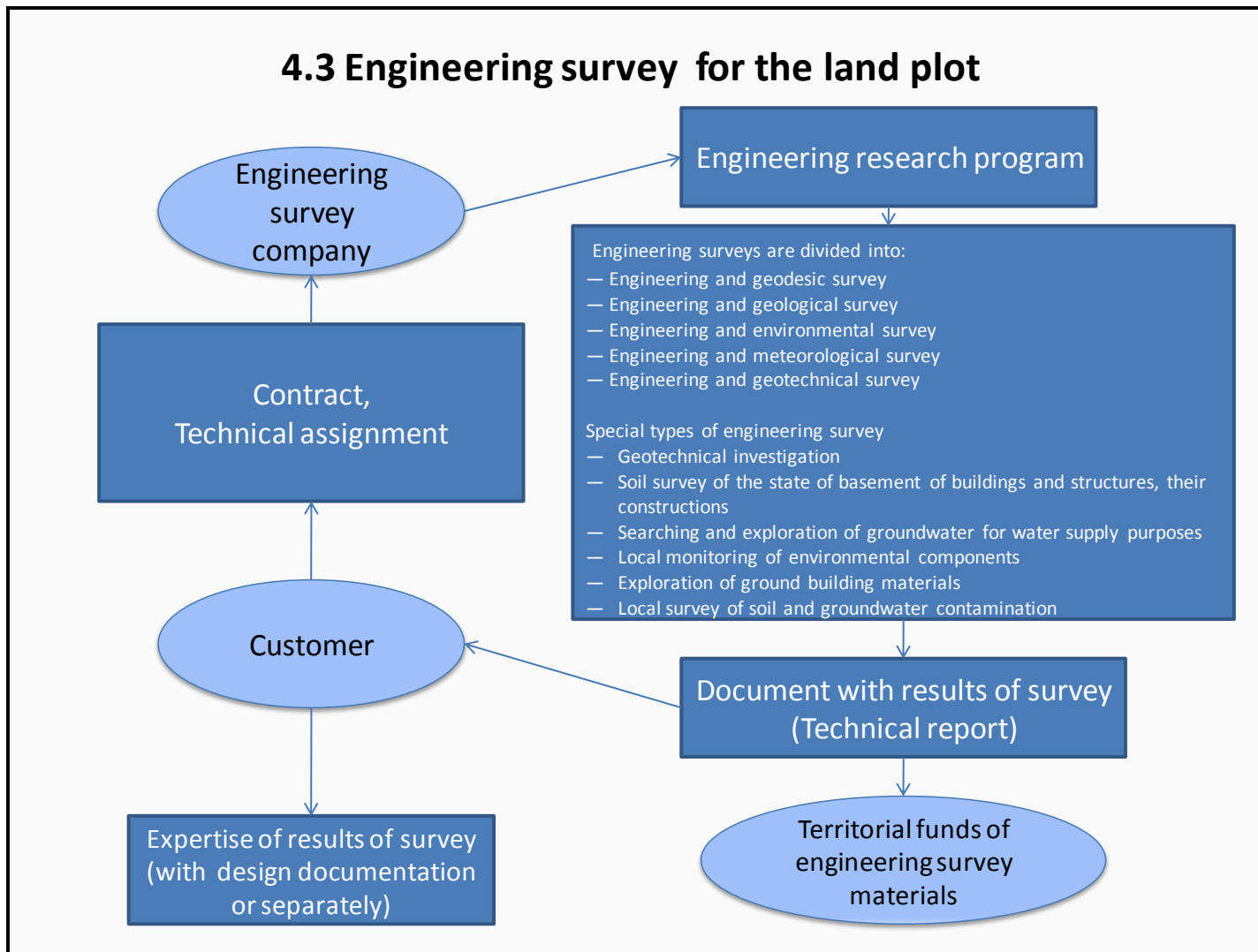


Figure 10

4.4 The sketch design

The necessity of undergoing of this stage is based on the contract of design works implementation. The customer must provide justification for carrying out this stage, because in the Government Decree of 27.12.2000 № 1008 the sketch design is not classified for project documentation.

The development of the sketch pre-design documentation usually includes the following parts (<http://www.archidream.com>):

- a master plan sketch (major decisions on placement of an object in accordance with existing building codes and regulations)
- basic architectural solutions (situational plan, general plan, floor plans, sections, facades, etc.)
- the concepts of engineering systems (if necessary)
- the visualization of the object, its volume solution
- an explanatory note
- the approval of the preliminary design by the customer

Figure 11

4.5 Initial permissive documentation

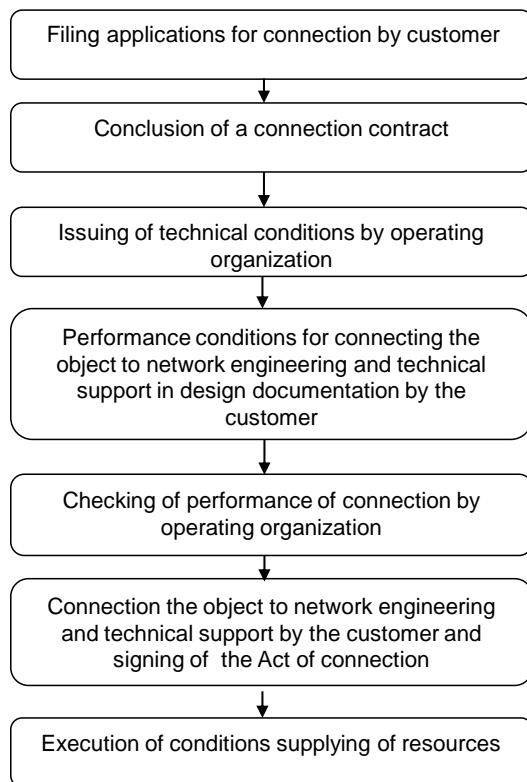
Initial permissive documents are a collection of documents , including the results of pre-design preparation.

The content of documents:

- the document certifying the right on the land plot (part 4.2)
- technical assignment for design
- an urban development plan
- the results of the engineering survey
- technical conditions

Figure 12

4.5.1 Technical conditions



Alignment and issuance of technical conditions are necessary for the connecting the object to the systems of electricity, heating, gas, water and wastewater, implemented by the organization, operating engineering support networks.

Figure 13

4.5.2 The Technical assignment for the design

Technical assignment:

- obligatory part of the initial documentation
- approved by the customer
- determining the parameters and volume of implementation of architectural and urban planning facility
- includes the full range of basic customer requirements and conditions of initial permissive documentation

4.5.4 The urban development plan

Development plan of land is obligatory document, which is provided by the developer or the customer for:

- the examination of the design documentation
- obtaining building permit
- obtaining a permit for the commissioning

Figure 14

4.6 Approvals. List of approving organization in Moscow (Regulation № 378, 2000. Regulation about system pre-design and design preparation of construction in Moscow).	Pre-design urban planning documentation	Initial permissive documentation	Design documentation
Department of Natural Resources and Environment (МОСККОМПРИРОДА)	•	*	•
Center of State Sanitary and Epidemiological supervision (ЦГСЭН)	•	*	•
Fire safety department (УГПС ГУВД)	•	*	"
State department of road traffic safety (УГИБДД)	×	*	"
Department of civil defense and emergencies (ГУ ГО и ЧС)	•	*	"
General Directorate for Cultural Heritage Preservation (ГУОП)	×	*	×
Architectural and planning department (МОСКОМАРХИТЕКТУРА)	•	•	+
Architectural Board (Архсовет МКА)			+
Research and Design Institute of the General Plan (НИИПИ ГЕНПЛАНА)	•	*	+
Service of art director (Служба главного Художника)			+
Architectural and planning Directorate(АПУ ОКРУГА)	×	•	+
Underground Structures Department (ОПС МОСГОРГЕОТРЕСТА)	•	*	•
Department of Land Resources (МОСКОМЗЕМ)	•	*	
Real estate department (Департамент имущества)	×	*	
Prefecture of Administrative District	•	•	×
District Council (Районная управа)	•	×	×
Public discussion of the project	•	*	×
Department for maintenance of heat supply systems (МОСЭНЕРГО)	×	×	*
Department for maintenance of electricity supply systems (МОСГОРТЕПЛОЭНЕРГО)	×	×	*
Department for maintenance of water supply systems (МОСВОДОКАНАЛ)	×	×	*
Department for maintenance of water systems (МОСВОДОПРОВОД)	×	×	*
Department for maintenance of sewage systems(МОСВОДОСТОК)	×	×	*
МОСГОРЭКСПЕРТИЗА (control of the quality of design and estimate documentation)	×		•
State Institute of survey and design of engineering structures and communications (МОСИНЖПРОЕКТ)	×		
<ul style="list-style-type: none"> • - obligatorily approvals ×- approvals carrying out if necessary "- necessary in case of absence on the previous stages *- approvals do not take place if the documentation has been developed in accordance with state regulations, which certified by signature of the person responsible for project (SNIP 11-01-95): + comprehensive review and approval of architectural and urban solutions by Architectural and planning department 			

Figure 15

5 THE DESIGN PHASE

The purpose of the design phase is developing, approving and examination of design documentation. Design documentation is developed on the basis of initial permission documentation in accordance with the requirements of Town Planning Code, urban development plan and technical assignment.

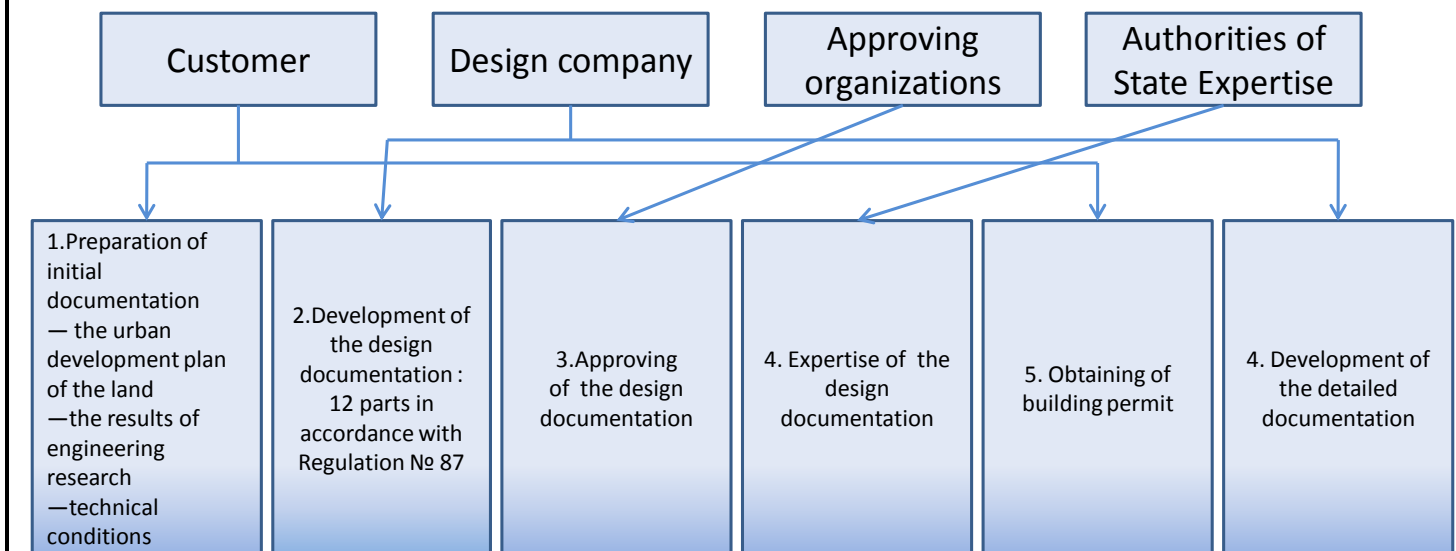


Figure 16

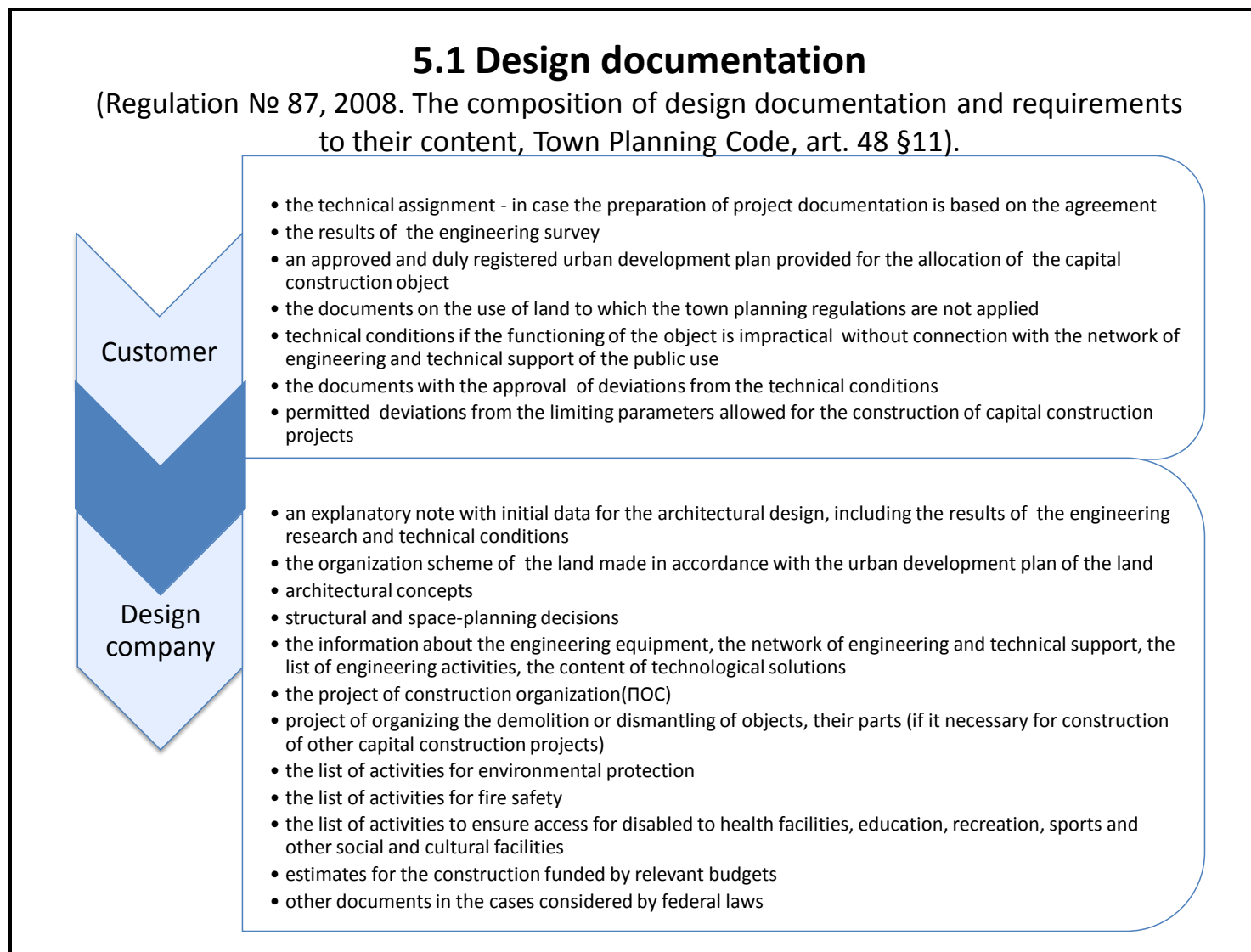


Figure 17

5.2 The approval of design documentation

Town Planning Code does not demand approval of ready design documentation by various authorities and organizations. This is explained by the content of the design documentation, as well as the fact that all approvals have been obtained for the planning documentation, the establishment of town planning regulations and determination of the types of permitted uses. The design documentation is developed in accordance with the urban development plan of the land plot, which is designed on the basis of the approved planning documentation. Thus, the approval of the design documentation with numerous authorities becomes redundant.

However, approvals of the design documentation are in fact carried out by the preset scheme (Figure 19).

Figure 18

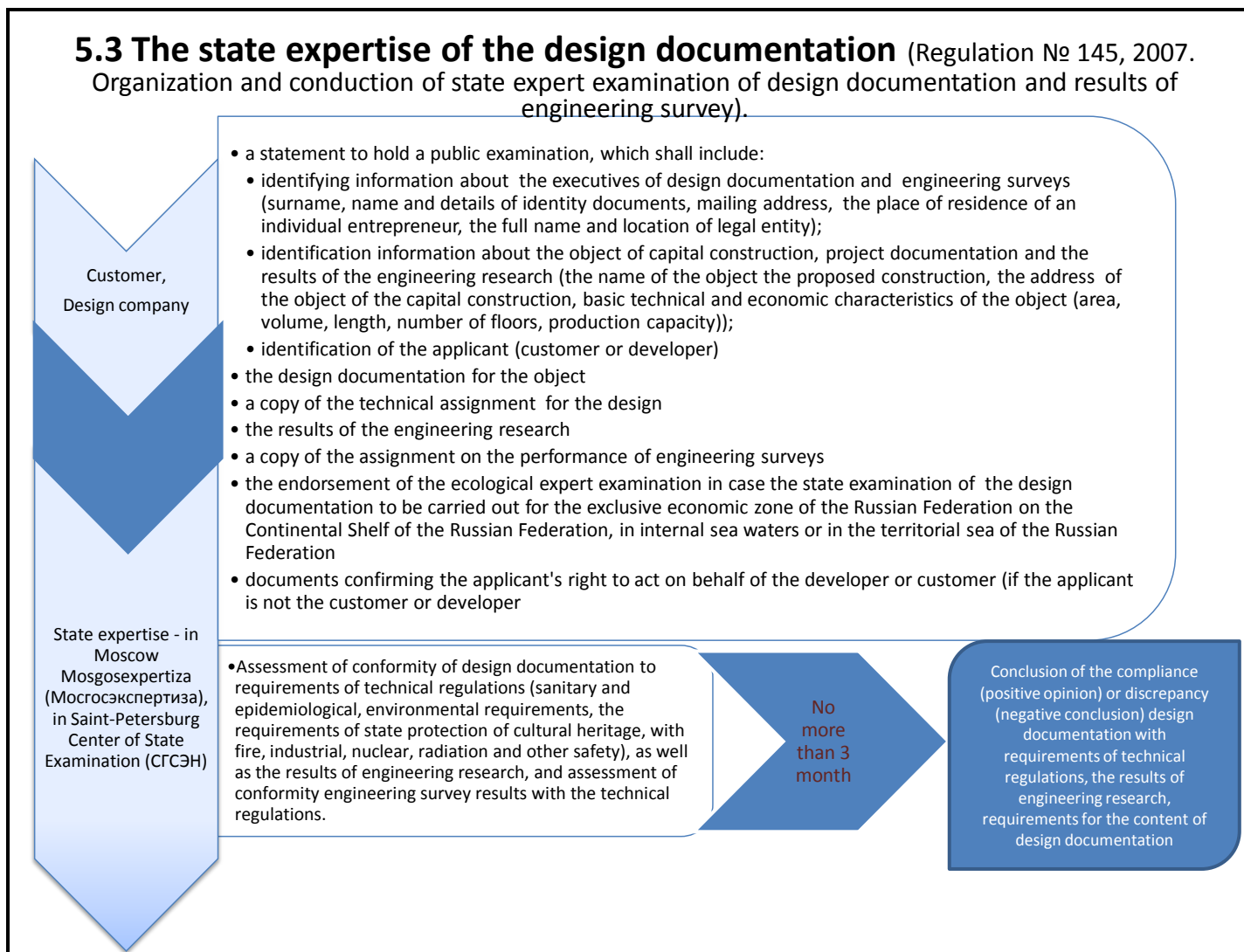


Figure 19

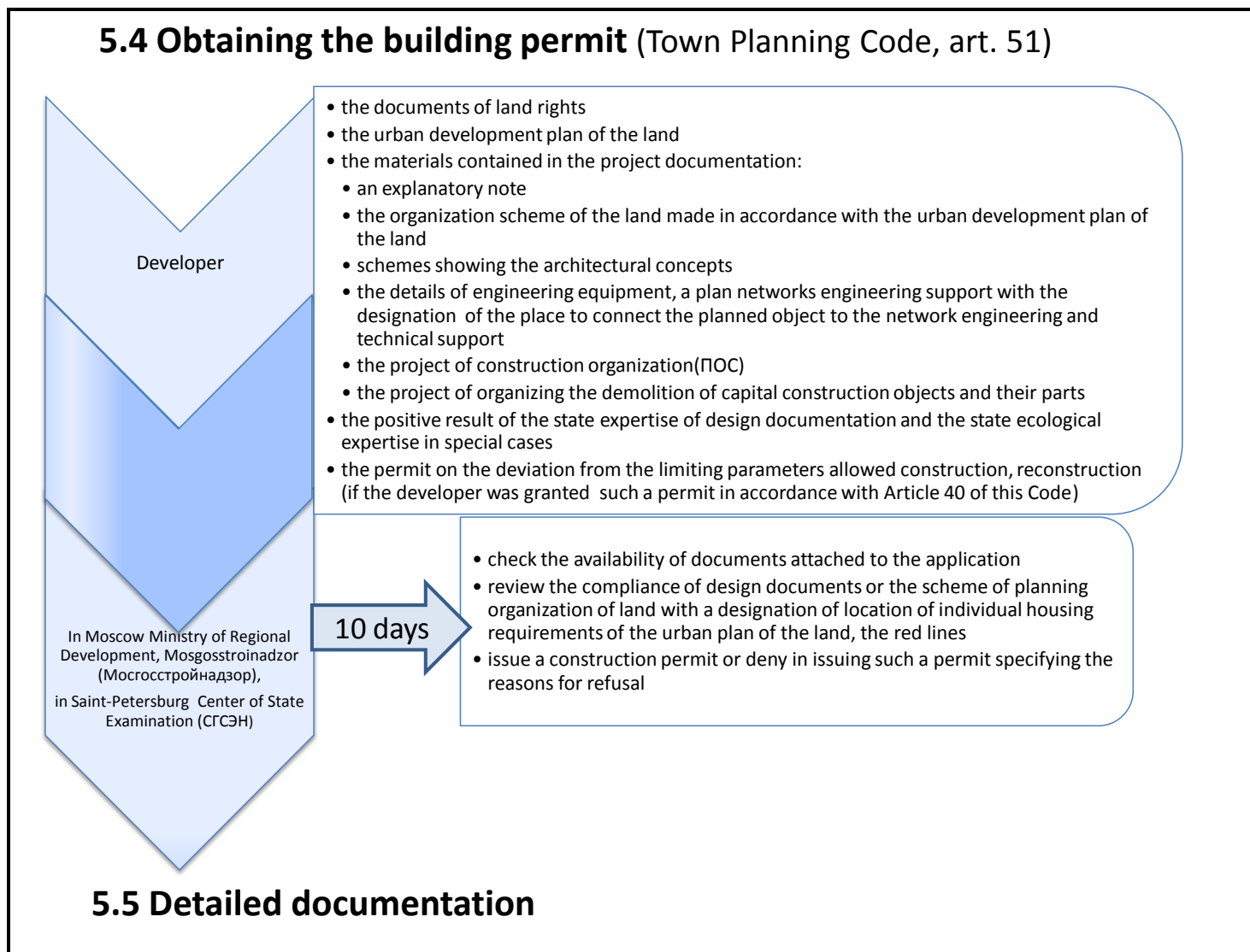


Figure 20

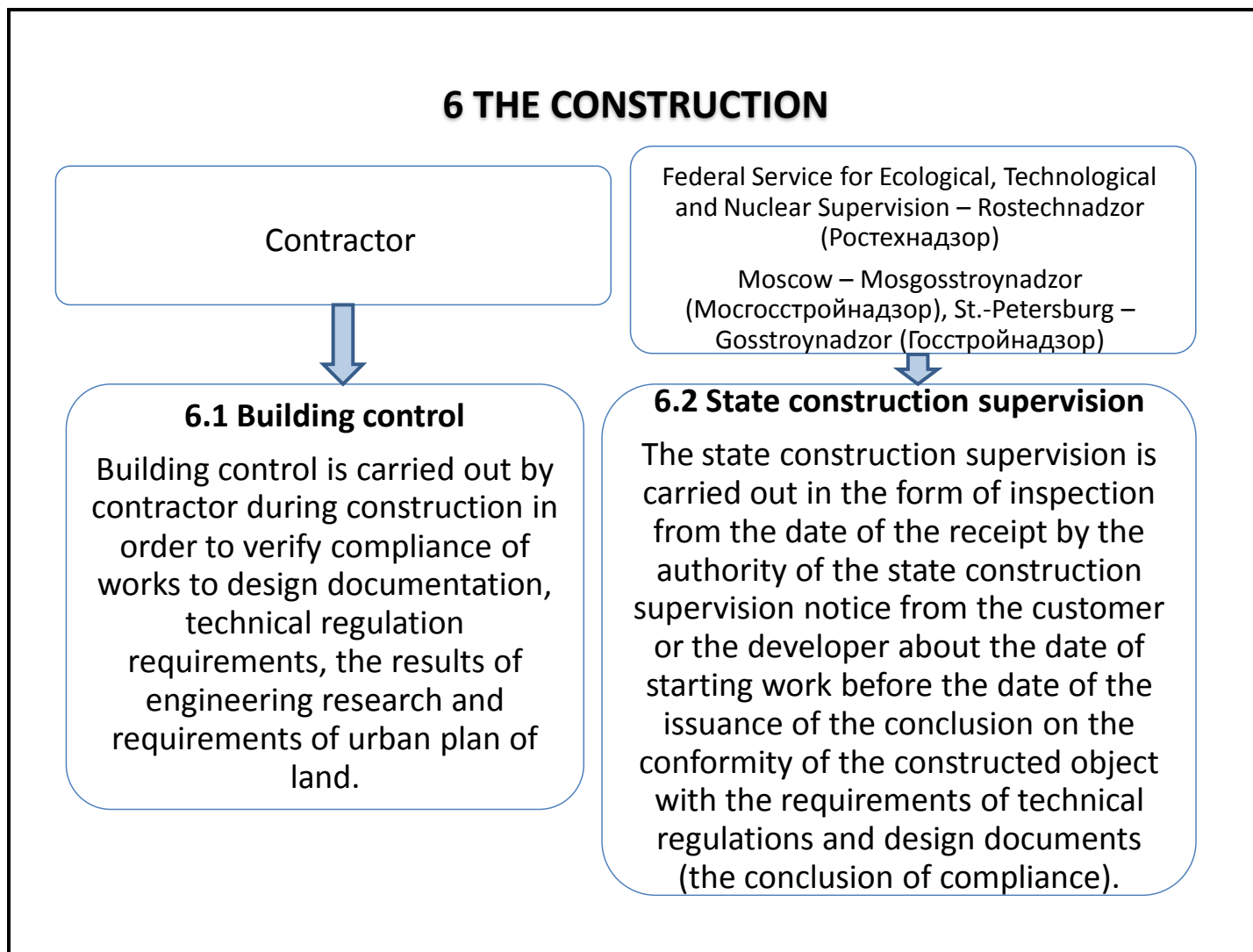


Figure 21

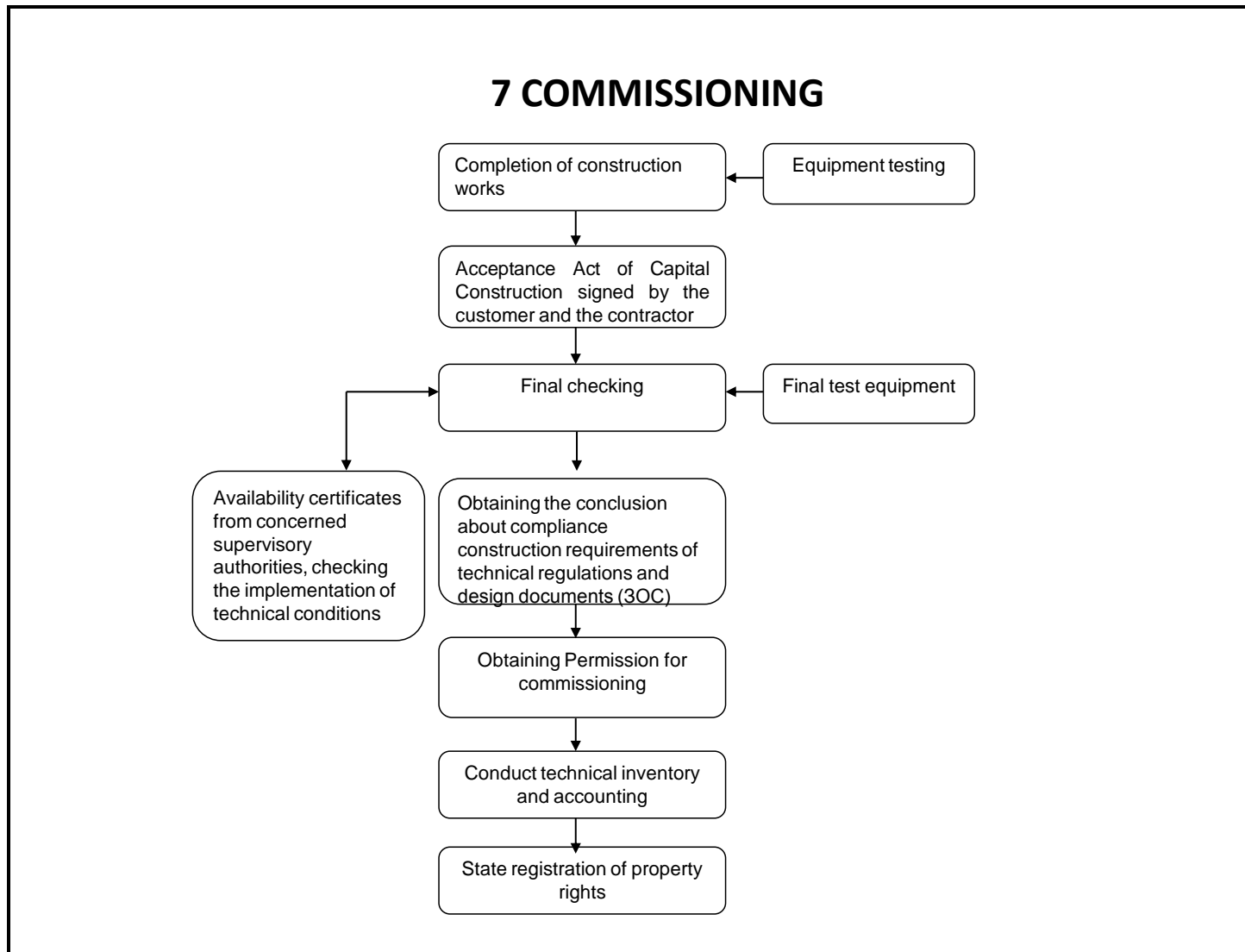


Figure 22

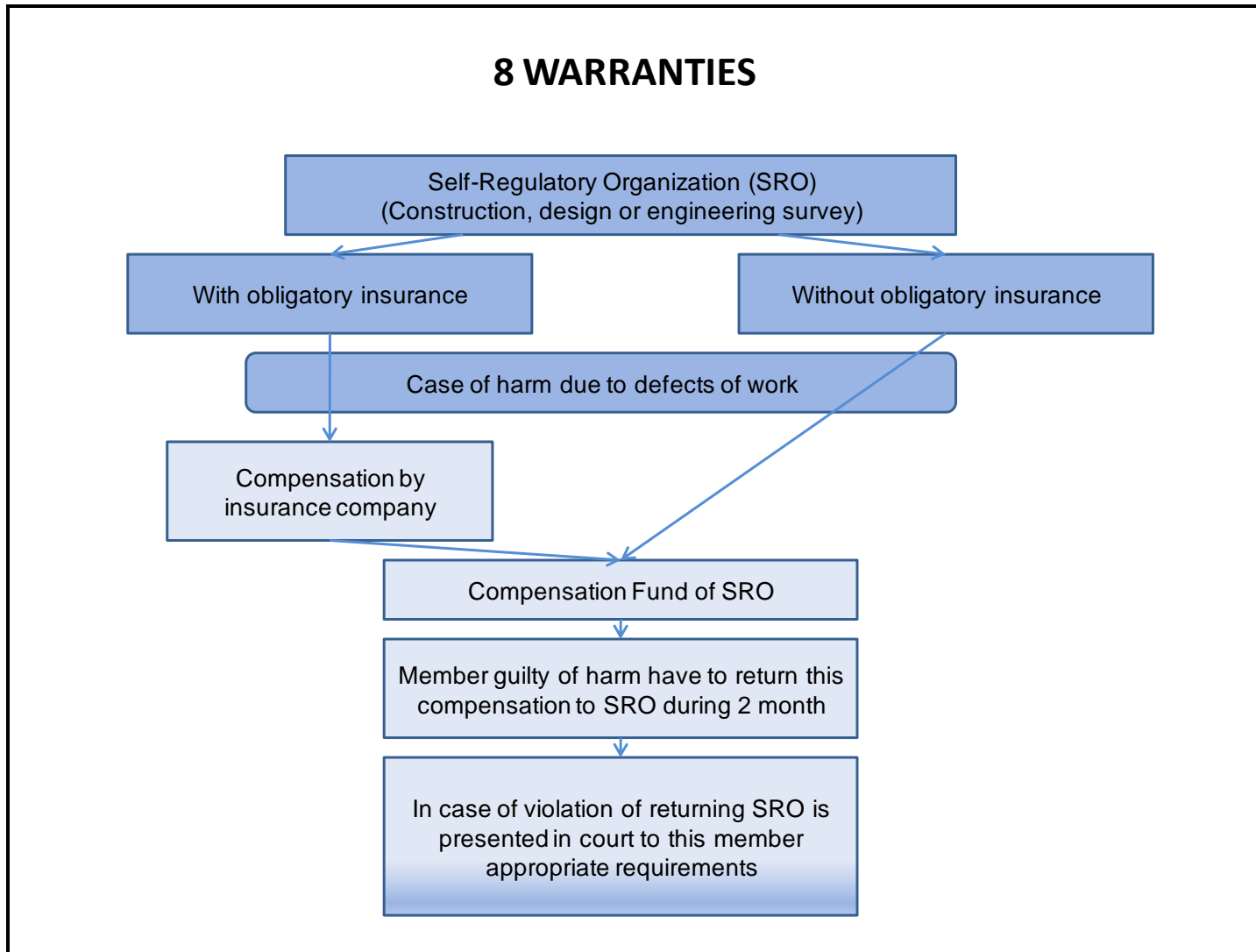


Figure 23

9 CONCLUSION

Improvements:

- System of the single window
- Formation of Self-Regulatory Organizations

Main barriers:

- Long duration procedure of receiving the land plot agreement, lack of urban development plans
- The procedure of obtaining the construction permit
- Huge amount approvals of project documentation
- The problem of obtaining the technical conditions

Figure 24

A list of documentation in case of providing land with the preliminary approval of the object location (Practical guide about providing land for construction, the issuance of the initial data and technical conditions for the enterprises, buildings and facilities, holding approvals and expertise, 2003)

1	<ol style="list-style-type: none"> 1. Information about the applicant. 2. Getting information about the specific area: <ul style="list-style-type: none"> - cadastral number; - a description of the location (address landmark) of land.
2a	<ol style="list-style-type: none"> 1. Cadastral number. 2. Location (address). 3. Area. 4. The category of the land and permitted use of the land. 5. Description of the land boundaries, their individual parts. 6. Registered real estate rights and limitations (encumbrances). 7. Economic characteristics, including payments for the land. 8. Qualitative characteristics, including the state of soil fertility for individual categories of land. 9. Availability of the real estate objects associated with the land.
2b	<ol style="list-style-type: none"> 1. Extract from the state land cadastre. 2. Cadastral map.
3	<ol style="list-style-type: none"> 1. Individual - on the basis of the passport 2. Legal person - based on: <ol style="list-style-type: none"> a) the document certifying the registration of legal entity b) the document certifying the authority of his representative 3. The public authorities of the Russian Federation and local government - on the basis of a written request on the letterhead of the appropriate authority.
4	<ol style="list-style-type: none"> 1. The statement about the choice of land and prior approval of the location of the object including: <ul style="list-style-type: none"> - appointment of the object; - proposed place of its location; - substantiation of the approximate size of the land; - the requested right on the land. <p>The application may be accompanied by:</p> <ol style="list-style-type: none"> a) feasibility study (ТЭО) for the construction project, or the necessary calculations; b) the justification of investments. 2. The Petition of Intent (Ходатайство о намерениях): purpose, sources and investment opportunities, options for the location, timing of construction and commissioning, radiation and environmental safety of the object
5	<ol style="list-style-type: none"> 1. Circulation of the executive state authorities (based on the application of the customer) in the local authority about the choice of land and preliminary approval of location. 2. Request the local authority (based on request of the executive state authorities or a statement of the customer) to appropriate state authorities, local governments, municipal organizations to receive the necessary documentation.
6	<p>The composition of materials and information:</p> <ul style="list-style-type: none"> - the permitted use of land; - the ensuring of these areas of engineering, transport and social infrastructures; - the technical conditions for connecting objects to the network engineering and

	<p>technical support; - the cadastral maps (plans)</p>
7a	<p>1. Informing the public about possible providing of the land for construction. 3. Informing of the land managers, landowners and lessees of land owned the state or municipal ownership about the possible confiscation of land including redemption</p>
7b	<p>The choice of the land plot is based on: a) documents of the state land cadastre; b) Land documents taking into account: a) environmental, urban and other conditions of use of the territory; b) use of mineral resources within the territory; c) the decision of the referendum, gatherings ; g) opinions of public organizations by: a) identify variants for placement of the object; b) carrying out approval procedures in the cases provided by federal laws with relevant government authorities, local governments, municipal organizations</p>
7c	<p>The Act of choosing of the land (and if necessary establishing its security or sanitary protection zone) Annexes to the Act: 1. Projects boundaries of the each plot in accordance with the options of their choice approved by the local authority. 2. The calculation of the losses of the land owners, land users, tenants of land, loss of agricultural production and losses of forestry</p>
8	<p>The decision about preliminary approval of the location (the decision is valid for 3 years) or decision to refuse the placement of the object.</p>
9	<p>1. The application of the citizen or the legal entity about determination of the land borders. a) a copy of the Decision b) the project of the land boundaries 2. Determination of the land borders on the ground (the expense of customer)</p>
10	<p>1. The documents for the right on land 2. The site boundary documents 3. The cadastral plans (registration lasts for one month, without payment)</p>
11a	<p>1. Application about providing the land plot for construction 2. The cadastral map (plan) of land 3. Project (rationale of the limiting size of the land)</p>
11b	<p>1. The decision to provide land for the construction - for the permanent (unlimited) use; - for the rent. 2. The decision about the form of the land exemption.</p>
11c	<p>1. Issuing of the decision about providing of the land for the permanent (unlimited) use 2. Conclusion of the land lease contract</p>
12a	<p>1. The statement about issuing the certificate of state registration of the rights 2. Plan of the land 3. The project documentation</p>
12b	<p>The certificate of the state registration the ownership or the land lease</p>

Addresses of the approval organization in Moscow

1. Регламентная комиссия Москомархитектуры. Триумфальная пл., д.1.
(499) 251-25-95.
2. У ГИБДД ГУВД г. Москвы. ул.Садовая-Самотечная, д.1. (495) 623-49-09, (495) 623-33-90
3. ГУП «Мосгортранс». Раушская набережная д.22/21 строение 1,
115035 (495) 951-66-53(495) 951-38-27
4. ГУП НИиПИ Генплана г. Москвы. 2-я Брестская ул., д. 2/14 Телефон:
(499) 2501508, факс: (499) 2519075
5. ГУП ГлавАПУ Москомархитектуры. Триумфальная площадь, д.1
Телефоны: секретариат - (499) 250-16-82, канцелярия - (499) 250-08-41
6. ОПС ГУП «Мосгоргеотрест». Ленинградский проспект д.11
Телефон: (499)257-09-11
7. Московская кабельная сеть (МКС) ОАО «Мосэнерго». ул.
Садовническая, д. 36 Телефон: 8 (495) 957-22-60
8. СЭС (Роспотребнадзора, ЦГСЭН). Графский пер. 4/9,
Тел.:+7(495)621-70-76
9. МГУП «Мосводоканал» . Плетешковский пер., 3 8-499-763-34-34
10. МГУП «Мосводосток». Новокузнецкая ул. д.26/8, стр.1, +7 (495) 951-94-41
11. МГП «Мосгортепло» . Электродная ул., д. 4А , т. 176 0578
12. ГУП «Мосгаз». Мрузовский пер., д.11 8 (495) 660-60-80
13. МГТС. Ул. Б. Ордынка, д. 25, стр. 1, +7 495 636-0-636
14. Москомприрода. Ул. Новый Арбат, стр. 11, корп. 1 (495) 644-20-77
15. Московского метрополитена. Проспект Мира, дом 41, стр. 2, 688-02-91
16. ГУП «Мосгорсвет». Ул. Б.Бронная, д. 14 стр. 1, 764-53-20, (499) 764-53-58 (факс.), (495) 735-35-13, (495) 735-38-53.
17. Управление Градостроительного Регулирования административного округа (УГР)
18. УГПС МЧС РФ по г. Москве. Ул. Сельскохозяйственная, д. 23
Телефоны: 181-03-96, 181-42-54

19. Москомнаследие. Ул. Пятницкая, д. 19 (495) 953-01-05; (495) 953-23-24
20. Москомимущество. Ул. Каретный ряд, 2/1 Тел.: (495) 699-55-37
21. Департамент социальной защиты населения г. Москвы. ул. Новая Басманная, д. 10, стр. 1 (495) 623-10-20
22. ГУ «ГД РЭДБОТ ЦАО» г. Москвы. 105066, Москва, ул. Новая Басманная, д.37 стр.1, +8 (499) 2673734