



Construction & Facilities Department Policies & Procedures Manual

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Section 1

INTRODUCTION

INTRODUCTION

The voters of the Beverly Hills Unified School District (the “District”) authorized Measure E General Obligation Bonds in the amount of \$334 Million on November 4, 2008. Funds received from the sale of bonds are to be used to provide safe and modernized school facilities; make structural seismic safety repairs; upgrade, repair and reconstruct aging classrooms, infrastructure, multi-use gyms, libraries, science and technology labs, roofing, plumbing, heating, ventilation, and electrical systems; and protect students and staff from unauthorized entry, security risks and natural disasters.

On June 5, 2018, the voters of the District authorized Measure BH General Obligation Bonds in the amount of \$385 Million. Funds received from the sale of the bonds are to be used to upgrade/replace inefficient heating, cooling/electrical systems, classrooms, libraries/science labs, deteriorating restrooms, leaky roofs, provide modern classroom technology, science equipment and to upgrade, construct and acquire classrooms, facilities, sites and equipment. Major projects the BOE has approved to be funded by Measure BH have been completed, are under construction or have been submitted to the Division of the State Architect for approval.

On October 9, 2018, the BOE first adopted the Construction and Facilities Policies and Procedures Manual. This manual is a guide to ensure all projects comply with applicable laws, regulations, and codes. The manual is a living document that is reviewed annually, updated no less than every three years to reflect implementation of the Master Plan and changes over time. The first update was received by the BOE on October 26, 2021. Implementation of the Master Plan requires assistance from District departments, particularly, Accounting, Purchasing, Maintenance and Operations, and Instructional Technology.

The measures approving the Bond funds stipulated the creation of a Citizen’s Bond Oversight Committee to assure that the Bond proceeds are spent on projects included in the voter-approved measure. The initial manual was prepared for the District by the previous Bond management team with input from District staff in response to Recommendations for Improvement in the 2016-17 Bond Performance Audit.

This second update has been prepared for the District by Fonder-Salari, Inc., in September 2023, with input from District staff. This will be presented to the Board of Education for their information.

BOE policies that are the foundation for the capital facilities program are accessible through the District’s website, www.bhusd.org, Board Policies.

A list of acronyms used in Bond program management and project administration is included in Appendix A. The Bond resolutions are included as part of this document in Appendix B.

Section 2

STATEMENT OF ETHICAL VALUES

STATEMENT OF ETHICAL VALUES

We are committed to:

Integrity. We will conduct ourselves with integrity in our dealings with and on behalf of the BHUSD.

Excellence. We will conscientiously strive for excellence in our work.

Accountability. We will be accountable as individuals and as members of this community for our ethical conduct and for compliance with applicable laws and BHUSD policies and directives.

This policy is to be distributed to District Construction and Facilities personnel, Maintenance and Operations personnel, Accounting and Procurement personnel, Information Technology personnel and the Bond Management Team.

Ethical values training is provided annually to personnel involved in administering bond dollars.

All staff on the Bond Management team will abide by the Standard Code of Ethics as established by the Construction Management Association of America, included in this document as Appendix C.

Section 3

MASTER PLANNING

MASTER PLANNING

Master Planning shall comprise two components:

- Facilities Master Plan
 - High-level overview of the estimated budget for physical changes needed at all campuses so that the District may best serve its students.
- Program Master Plan
 - In-depth plan breaking the goals of the Facilities Master Plan into projects, with a master budget and master schedule to specify exact funds required and the order in which projects are best accomplished.

A. Facilities Master Plan

The Facilities Master Plan is based on Needs Assessment, District Strategic Planning and Educational Master Plan. The following steps shall be taken as part of the preparation:

- Competitive pricing will be solicited from at least three firms from the Board-approved list.
- Selection of a potential architect to perform Master Planning services will be based on price and qualifications.
- A committee consisting of District employees and Bond program management team will review and rank each architectural firm.
- The Master Plan shall cover shorter, mid-term and long-term needs and projects in order to meet the educational goals of the District.
- The District shall review the Master Plan on an annual basis and recommend any required revisions.
- The Master Plan shall be fully vetted every five years. The District may require an update of the Master Plan within the five years.

1. Facilities Master Planning Procedures

A needs assessment is to be compiled by the Assistant Superintendent of Business Services based on the District's Deferred Maintenance Plan and current building conditions. The Superintendent will seek input from the school community through surveys and focus groups regarding the community's expectations for its school's facilities and educational programs.

The educational specifications shall be revisited by the Assistant Superintendent of Instructional Services in conjunction with the Director of Information Technology with the goal that they will meet the instructional needs for the District, both now and in the future.

After this work is completed, recommendations should be provided to the bond manager to develop estimated budgets and schedules for the projects. The Superintendent would then present the plan to the Board of Education for adoption. After adoption, the BOE would pursue funding for implementation of the Master Plan.

2. Changes to Facilities Master Plan

Once the Facilities Master Plan is approved by the BOE, any changes to it will require approval by the Board of Education. Requests to the BOE for changes from the original approved documents shall be made in writing and must include the following:

- a. Explanation of proposed change
- b. Justification for the change
- c. Estimated cost impact
- d. Specific party requesting the change

3. Components of the Facilities Master Plan

The components of a comprehensive master plan include:

a. Community Involvement

Involving the community's expectations in the master plan for their schools helps to build support for funding to improve facilities.

b. Demographics Study

Conducting a demographics study projects enrollment by grade level to understand where the students live and what schools they will attend.

c. Needs Assessment

A needs assessment surveys every school room and every mechanical, plumbing, and electrical system in the existing buildings to determine what needs to be repaired or replaced.

d. Educational Specifications

Educational specifications are written documentation of the BOE's intent for delivery of the instructional program. Educational specifications provide architects with design requirements to support that intent.

e. Cost Estimates

Costs are estimated to provide a range of funding needed to implement the plan.

4. Facilities Master Planning Challenges

Challenges are inherent in Facilities master planning. Variables can include:

- a. Demographic and programmatic needs
- b. What the regulatory environment will dictate
- c. What the market conditions will be when the buildings are finally out to bid, while speculating on the cost and time impact of the unknowns.

5. Facilities Master Planning Challenges Unique to BHUSD

a. Soil conditions: underground tanks, oil wells, methane and other Volatile Organic Compounds (VOCs)

Much has been discovered about what exists underground during the course of construction. However, issues with the condition of the buildings, their major systems, seismic issues and the presence of asbestos or lead may still be discovered during future building projects. Investment into investigation and testing may be required to identify and mitigate them.

b. Urban Environment

BHUSD is located in an urban setting, so that all construction work will take place in close proximity to a densely populated, high-traffic area. This results in variables including:

- i. Subway lines beneath the high school
- ii. Oil wells beneath District property
- iii. Multiple agency involvement – Department of Toxic Substances Control (DTSC), CalGem and Division of the State Architect (DSA) all have jurisdiction over BHUSD building plans

6. History of Facilities Master Planning in BHUSD

The draft comprehensive master plan prepared in 2008 contained over 500 pages of data at a time when the District had an enrollment of 5,194 students – 2,332 of those were high school students. Although not formally adopted by the BOE, the community involvement in that master plan led to the passage of Measure E.

In 2011-12, a \$300,000 investment in a master plan delivered the Strategic & Long-Range Facility Master Plan with 129 pages of data adopted by the BOE on August 28, 2012. That plan began the design process for modernizing the District's facilities. At that time, District enrollment was 4,584. As the scope of the projects evolved, the plan was updated in 2015 when District enrollment was 4,144 and in 2016, when District enrollment was 4,023. As of February 2018 update, enrollment was 3,933. For 2020-21, enrollment was 3,313.

The 2012 master plan and subsequent updates in February 2018 and October 2018 are posted on the District's webpage.

A master plan update reflecting the reality of construction influenced by the global pandemic and inflation was authorized and executed in October 2021 and updated in April 2022. These plans include the revised plan included modernization projects at El Rodeo Elementary School and Hawthorne Elementary School Auditorium, the modernization of Buildings B1, B2, B3 and B4 at Beverly Hills High School, a refresh of Building A, the location and abandonment of legacy wells according to CalGem standards, the establishment of a full spectrum security program and new construction of Building C and an aquatic center acceptable for inter-district competition. These may also be found on the District's website.

B. Bond Program Master Plan

The execution of the ideas established in the Facilities Master Plan require the creation of a Bond Program Master Plan. The Program Master Plan creates specific projects with designated budgets, as well as a Master Schedule indicating the order in which the projects are best performed to achieve the fastest results while causing a minimum of disruption to students and faculty in the District. Board approval of the Program Master Plan is required before beginning any projects included within it. With an approved Bond Program Master Plan, the Board, the District personnel involved and the Bond Program Management team work together to set parameters for construction.

1. Components of Program Master Plan:

a. Master Project List per Facilities Master plan priorities

The Master Project List forms the ideas in the Facilities Master Plan into discrete projects with a goal and a schedule, each of which can be completed separately. Breaking the entire vision into measurable parts allows the District to see the progress it makes toward fulfilling the Facilities Master Plan.

b. Master Program Budget

The Master Program Budget sums up the budgets involved in each project, showing the total amount estimated to make the Facilities Master Plan a reality.

c. Master Program Funding List

The Master Program Funding List details every source of funding required to meet the District's goals. This may be comprised of Bond funds, State matching funds (for modernization or seismic mitigation), Developer fees, or other means.

d. Master Program Schedule

The Master Program Schedule lists out the duration required to complete all the District's goals. The Bond Program Management team details the order in which the projects should be tackled to accomplish all work in the shortest possible time, for the best possible price.

e. Risk Assessment

A list of all known variables involved with the work is made at the beginning of the program, identifying anything that may cause delay or extra expense to a project. The Risk Assessment is continually updated throughout the project, as soon as new variables come into play.

Components of the Risk Assessment:

- 1) Program Risk Register - a document to track potential issues that may affect the budget or schedule of any Bond project.
- 2) Program Risk Mitigation Plan – an action plan to lessen or eliminate the effect of any identified risk to the Bond projects.

f. Updates

All elements of the Master Plan will be reviewed on an ongoing basis. Report will be made to the BOE on a quarterly basis.

2. Changes to Program Master Plan

Any and all changes to the Program Master Plan must be approved by the Board.

3. Challenges of Program Master Plan:

- a. Minimizing disruption to daily educational life
- b. Dealing with existing conditions while staying within budget
- c. Meeting evolving Information Technology (IT) needs for students, faculty and District personnel
- d. District security during construction

C. Information Technology (IT)

Master Planning involves an overview of the IT needs of the students, faculty and District personnel. As an example, the BHUSD February 2018 Facilities Master Plan Implementation Update included \$13.6M for technology in the following areas:

- Infrastructure and equipment for wireless access (indoor and outdoor)
- Infrastructure and equipment for telecommunications (VOIP)
- Infrastructure and equipment for integrated classroom AV systems, PA, Clocks
- Infrastructure and equipment for specialized spaces i.e. gymnasiums, pools, theaters, auditoriums, and
- Infrastructure and equipment for districtwide network operations
- Infrastructure and equipment for integrated security including access control, security cameras, and command and control center networking and software
- Infrastructure and equipment for maintenance/operations HVAC, Electrical, Fire Alarm and Irrigation systems
- Front of classroom technology including interactive displays, document cameras, voice amplification systems, and mobile teaching carts
- Computer workstations and mobile devices for students and staff

and replacement funds to address current and future needs through 2025 in the following areas:

- Network upgrades, replacement of switches, wireless access points
- Horace Mann theater and John Cherney Center upgrades
- KBEV studio upgrades
- Computers for classrooms, libraries, labs
- Interactive displays and document cameras for classrooms
- Staff and student computer workstations and mobile devices
- Equipment and infrastructure for IT security and data backup/recovery
- VOIP telecommunication

Measures E and BH have provided capital dollars to ensure that BHUSD's technology infrastructure and equipment, including computers and mobile devices, will support the District's operational and instructional needs through 2025. Measures E and BH also provide limited operational dollars for support and training - in most cases for the warranty period associated with a capital improvement. However, there are budgetary limitations for use of Measures E and BH funds that require the District to plan for annual expenditures/costs that must be absorbed in the technology general fund, District general fund, categorical or other revenue sources.

The following will need to be considered:

- Network upgrades

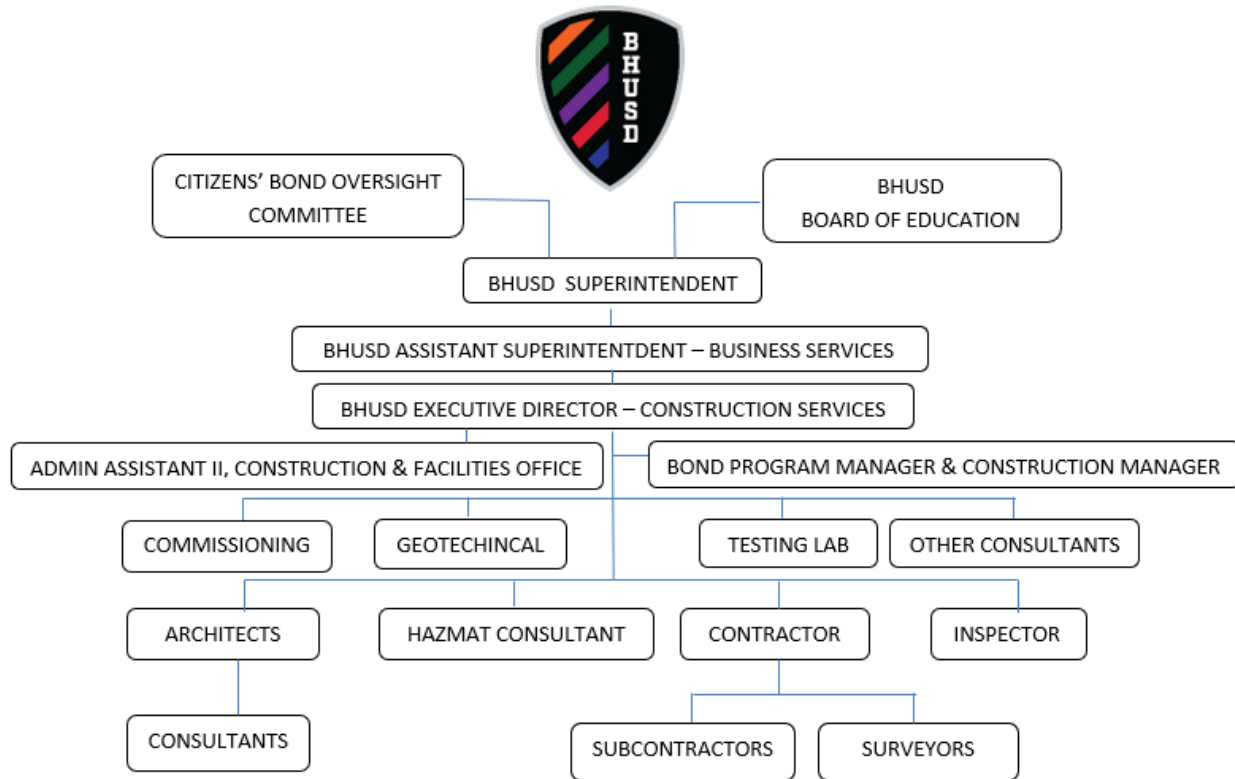
- Operational costs associated with maintenance and repair of equipment and systems such as Valcomm clocks/bells/PA, Extron controllers, classroom AV, etc.
- Additional staffing for security, access control, telecommunications, and AV in either the IT or Maintenance departments to support troubleshooting and repairs
- Capital and operational costs for technology infrastructure and equipment at all schools and facilities beyond 2025
- Cost of technology modernization to existing facilities not addressed with Measures E and BH (such as BHHS Building A, District office).

Section 4

BOND PROGRAM ROLES AND RESPONSIBILITIES

- A. BOARD OF EDUCATION**
- B. SUPERINTENDENT**
- C. ASSISTANT SUPERINTENDENT BUSINESS SERVICES**
- D. EXECUTIVE DIRECTOR – CONSTRUCTION SERVICES**
- E. CITIZENS’ BOND OVERSIGHT COMMITTEE (CBOC)**
- F. BOND PROGRAM MANAGEMENT**
- G. DESIGN PROFESSIONAL**
- H. DIVISION OF STATE ARCHITECT (DSA); AND INSPECTOR OF RECORD (IOR)**
DSA INSPECTOR OF RECORD (IOR)
- I. TESTING LABORATORY**
- J. CONTRACTOR**

ROLES AND RESPONSIBILITIES



A. BOARD OF EDUCATION

The BOE recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program of the District. The BOE shall endeavor to make the provision of adequate school facilities a priority in the District. Schools serve as a focal point for the community, so the BOE shall also strive to ensure that District facilities fit harmoniously and attractively into their neighborhoods and have flexibility of design to meet future educational and community needs.

The following are the policies of the BOE regarding its role and the Superintendent's role in school facilities adopted March 10, 2009.

The Board shall strive to have a school facilities master plan in place and regularly reviewed in light of the District's educational goals. In accordance with this plan, the Board shall:

- Approve additions or major alterations to existing buildings;
- Determine what new buildings shall be built, when and where, and what equipment shall be purchased for them;
- Determine the method of financing that will be used;
- Select and purchase school sites for future expansion. Approve the selection of architects and structural engineers;

- Award contracts for design and construction; and
- Name schools and individual buildings.

B. SUPERINTENDENT

The role of the Superintendent is to implement the vision of the BOE by making the daily decisions about educational programs, spending, staff, and to provide for healthful, safe and adequate facilities that enhance the District's instructional program. The Superintendent also responds to the demands of all the other constituencies and interest groups in the District: teachers, students, parents, staff, advocates, and the community at large, while utilizing the financial and human resources of the District to achieve the best results.

The Superintendent or designee shall:

- Assess the District's short- and long-term facility needs;
- Direct the preparation and updating of the facilities master plan;
- Oversee the preparation of bids and award of contracts;
- Supervise the implementation of the District's building program in accordance with the master plan, Board policy, and state and local requirements, including collaboration with the architect and contractor on the construction of new facilities and modernization of existing facilities;
- Represent the District in official governmental interactions related to the building program, and
- Ensure adherence to all applicable laws, codes, and regulations.

To pursue the goals of the District Master Facilities Plan, the BOE delegates authority to the Superintendent as follows:

- **Procurement of District Contracts and Agreements**
The BOE delegates authority to the Superintendent or his or her designee to procure all District contracts and agreements through appropriate bid and other selection processes, which include, but are not limited to, preparation of competitive bids, requests for qualifications (RFQs) and/or requests for proposals (RFPs), issuance of advertisements for such competitive bids, RFQs and/or RFPs, review of bids submitted by contractors and/or vendors, act as or designate a hearing officer for responsibility hearings and bid protest hearings, select review and interview panels for RFQ and/or RFP selection processes, paper screen all responses to the District's RFQs and RFPs, conduct interviews by the selection panels, conduct post interview discussions and negotiations with top candidates, recommend awards to the BOE and to otherwise perform all actions necessary to procure the contracts and agreements needed for the completion of District projects for ultimate consideration and approval by the BOE.

- **Construction Contracts**

The BOE delegates authority to the Superintendent or his or her designee to prepare, negotiate and execute contracts with parties engaged in and prospective parties to be engaged in school facility projects, execute and deliver resulting construction contracts up to the applicable bid limit, and to do any and all things necessary, in consultation with staff, that he/she may deem necessary or advisable for the continued administration and operation of school facility projects, all subject to ratification by the BOE.

- **Professional Services Agreements**

The BOE delegates authority to the Superintendent or his or her designee to negotiate and contract with parties engaged in and prospective parties to be engaged in school facility projects, to execute and deliver resulting consultant agreements up to \$60,000, and to do any and all things necessary, in consultation with staff, that he/she may deem necessary or advisable for the continued administration and operation of school facility projects, all subject to ratification by the BOE unless selected from a BOE-approved bench. Consultant agreements above \$60,000 shall be approved by the BOE prior to execution.¹

- **Construction Change Orders**

During construction of school facility projects, changes may occur resulting in change orders and the payment of additional compensation to contractors performing the work in connection with school facility projects. During the course of construction, documents will need to be executed, changes will need to be approved and other decisions will need to be made on behalf of the District in a timely manner so as not to delay progress of the school facility projects.

The BOE delegates authority to the Superintendent or his or her designee to negotiate, execute and deliver construction change orders. All change orders must be approved by the BOE. Change orders, both individually and cumulatively, cannot exceed 10% of the original contract amount.

- **Amendment to Professional Services Agreements**

During construction of school facility projects, changes will likely occur resulting in amendments to consultant agreements and the payment of additional compensation to consultants performing services in connection with school facility projects.

The BOE delegates authority to the Superintendent or his or her designee to negotiate, execute and deliver amendments to consultant agreements, which do not exceed \$60,000, all subject to ratification by the BOE. Amendments, which exceed \$60,000, shall be approved by the BOE before execution.

- **Accept Completion of Certain Construction Projects and Record the Notice of Completion**

Under the California Uniform Public Construction Cost Accounting Act (CUPCCAA) the District may perform public projects of \$60,000 or less by force account, by negotiated contract, or by purchase order. The negotiated contracts are smaller in scope and usually completed in a short

¹ Per Board approval in Resolution 2015-2016-014 (see Appendix H), Superintendent is allowed to authorize informal bidding (under \$200K) from prequalified list.

time period. The District enters into a large number of negotiated contracts throughout the year for small projects, maintenance, repairs and related work. The BOE desires to pay contractors performing work under negotiated contracts and to close out those contracts as soon as possible.

The BOE delegates authority to the Superintendent to determine and accept completion of projects performed under negotiated contracts and to approve the recordation of notices of completion for those projects.

C. ASSISTANT SUPERINTENDENT BUSINESS SERVICES

The Assistant Superintendent of Business carries out the responsibilities delegated by the Superintendent.

The Assistant Superintendent may approve contracts up to \$60,000, as the designee for the Superintendent. The contracts may be put into use upon approval by the Assistant Superintendent but will be subject to ratification by the BOE unless selected from a BOE-approved bench.

D. EXECUTIVE DIRECTOR – CONSTRUCTION SERVICES

The Executive Director-Construction Services position was added in September 2022, allowing for a District representative to be dedicated solely to oversight of the Bond program. The Executive Director-Construction Services reports to the Assistant Superintendent, Business Services and is responsible for managing the implementation of the facilities master plan and prioritized bond program. The Executive Director, Construction Services successfully tracks progress of all construction projects, from conceptualization to completion.

The Executive Director may approve contracts up to \$25,000. The contracts may be put into use upon approval by the Executive Director but will be subject to ratification by the BOE unless selected from a BOE-approved bench.

E. CITIZENS' BOND OVERSIGHT COMMITTEE²

The Citizens' Bond Oversight Committee (CBOC) is responsible for oversight of Measure E and Measure BH funds, reviews expenditures included under the Bond Program, and receives an updated status report at regularly scheduled meetings. Reports provided to the CBOC are limited to the projects funded with Measure E and Measure BH funds (including any other supplemental funding for those projects). The CBOC reviews expenditures and also receives copies of the annual financial and performance audits of the bond program and other documents as requested.

The CBOC pages of the District's website are updated for each CBOC meeting with agendas and related attachments. This website is also where the annual report of the CBOC is published for public view.

² "Resolution No. 2008-2009-014 Establishing the Citizens' Oversight Committee" and "Amended August 10, 2021 - Citizens' Bond Oversight Committee Bylaws" are included in Appendix D.

The CBOC pursues five primary goals to achieve its charter:

- Receives annual auditors' reports.
- Ensures that funds are used only on school building improvements, not on District salaries or administration.
- Provides an annual report to the BOE that the expenditures match those promised during the bond campaign. In addition, releases these findings to the general public.
- Reviews the District's maintenance effort ensuring proper maintenance of school buildings after repair and renovation.
- Reviews the District's school building repair funding plan comprised of local and state bond funds and other funding sources.

E. BOND PROGRAM MANAGEMENT

The District hires a Bond Program Management team to fulfill the goals of the Measure E and Measure BH bond program. The Bond Program Management team provides for budget and schedule development, maintenance, and oversight to mitigate District risk while achieving the goals of the Facilities Master Plan. Once hired, the team will follow all District safety and security protocols.

The Bond Program Management team is responsible for managing the bond program and communicating program and project specific information to the BOE, the CBOC, the Facilities and Construction Committee (FCC) and the general public. The public accesses information through the BHUSD website.

The Bond Program Management team is responsible for capital projects that involve oversight and approval from the California Department of General Services, including the Division of State Architect (DSA), and the California Department of Education.

The Bond Program Management team provides facilities needs assessments, develops, and updates the Facilities Master Plan, and develops and updates the Bond Program Master Plan to provide a master schedule and accurate budgets for all projects needed to fulfill the Facilities Master Plan.

The Bond Program Management team provides capital funding oversight through bond management of all available Bond funds and pursues local and state funds, incentives, and grants for all applicable capital projects. The Bond Program Management team completes, files, and tracks applicable state forms, submittals, and requirements to obtain continued compliance.

The Bond Program Management team tracks square footage, room utilization and capacity to be used in the pursuit of state funding, assists and partners with the Information Technology and maintenance departments for capital projects, and provides access to construction drawings, product specifications, and warranty information for repair and minor construction purposes.

Bond management includes two primary areas of work: program management and project management.

1. Program Management

Bond program management includes the assessment of District facilities' needs, coordination of input from stakeholders, funding and project development and implementation strategies for capital projects.

Throughout the bond program, status reports are developed by the Bond Program Management team and used to provide the BOE with information on current budgets, expenses, commitments, program contingency, revenue sources and narratives on the status of projects, schedules, and contractor and change order information.

The Bond Program Management team is responsible for bond program development and administration related to the following program phases:

Programming and Planning Phase

- a) Develop and Implement the Program Master Plan, detailing the implementation of the Facilities Master Plan. The Program Master Plan will require approval by the Board of Education. It will also need approval from the Board to implement any significant changes. The Program Master Plan will include:
 - i. A prioritization plan
 - ii. A master schedule for each component of the program
 - iii. A program budget based on detailed cost estimates of all work required for the project per the Facilities Master Plan.
- b) Develop a management information system to assist in establishing and maintaining communications among the District, the Bond Program Management team, design professionals, contractors and other parties within the program.

Pre-Design Phase

- Develop a project management plan for each project.
- Advise on the division of the project into separate contracts for various categories of work.
- Assist the District in the selection of procurement methods for construction.
- Assist the District in the selection of design professionals.
- Assist the District in preparation and review of the agreements between the owner and design professionals.
- Assist the District and design professionals in the preparation and review of architectural designs for the project.
- Prepare a master schedule for each component of the project.
- Prepare a milestone schedule for the design phase.
- Prepare a program and construction budget based on the plans, specifications and information provided by the District on the work required for the program.

2. Project Management

A Project Manager from the Bond Program Management team will be assigned primary responsibility for each project involved in the Program Master Plan. The Project Manager is responsible for management and administration of the following project phases:

Design Phase Procedures

- Prepare procedures for reporting, communication, and administration during the design phase.
- Review the design documents for clarity, consistency, constructability and coordination.
- Assist the design professionals in coordinating transmittal of documents to regulatory agencies for review and advise the District of potential problems related to completion.
- Assist the District in the preparation of the general conditions and other front end documents for construction contracts.
- Recommend revisions to the master schedule as needed.
- Monitor compliance with the milestone schedule.
- Make recommendations to the District on the impact of design changes that may result in revision to the project construction budget, project schedule and established strategy
- Make recommendations and coordinate and assist the District and design professional when changes to the design are required, to stay within the project and construction budget.
- Prepare procedures for reporting, communications and administration during the construction phase for approval by the District.

Bid and Award Phase

- Assist the District in developing a list of possible bidders and in pre-qualifying bidders if pre-qualification is required.
- Plan, manage and complete the bidding processes that are utilized in the delivery method selected by the District.
- Assist the District in the assembly, delivery and execution of the contract documents.
- Assist the District in verifying that the contractor has secured the building permits, bonds, insurance, labor affidavits and waivers as required by the contract documents.
- Assist the District in procuring services and contracts for technical inspection and testing required for the projects.

Construction Phase

- Provide on site program management as a representative of the District to coordinate with all applicable parties, and to establish and implement communication procedures/
- Establish and implement procedures for expediting and processing requests for information, shop drawings, material and equipment sample submittals, contract schedule adjustments, change orders, substitution and payment requests and the maintenance of logs for tracking all relevant project information.
- Assist the District in completing and submitting PWC-100 forms for all projects as required, confirming all contractors and subcontractors are properly registered at all times with the DIR.

- Coordinate technical inspection and testing provided by the design professionals or others. The Project Manager shall be provided a copy of all inspection and testing reports on the day of the inspection or, if the result is not available on the same day, as soon as the report is available.
- Receive from the Contractor as-built record drawings and documents, operation and maintenance manuals, warranties and guaranties for materials and equipment installed on the project; and review such documents for completeness and submit documents to the District.

Post Occupancy Phase

- Respond to warranty issues.
- Assist maintenance in determining whether issues are under warranty.
- Perform warranty and commissioning requirements.
- Conduct a post-occupancy evaluation.

G. DESIGN PROFESSIONAL

Design professionals are contracted by the District to provide design, design administration, and construction design administration. As licensed professionals they are responsible for public safety and the oversight of project design implementation during all phases of the design contract documents.

- *Schematic design*—Owner, Bond Program Management team and Designer meet to discuss the Owner's needs and the Designer prepares one or more preliminary design concepts.
- *Design development*--after the Owner's approval of a design scheme, the Designer prepares formal design drawings, a construction budget, and a schedule.
- *Construction documents*—Designer prepares detailed drawings and specifications that will be used by contractors for construction.
- *Bidding or negotiation*—Designer assists the District in publicly bidding the project, including responding to bidder's questions about the design.
- *Construction*—Designer inspects the on-going construction to ensure that the project is built according to design, answers requests for information about the design, and works with the Project Manager and Contractor to solve design and construction issues.

H. DIVISION OF STATE ARCHITECT (DSA) AND DSA INSPECTOR OF RECORD (IOR)

The Division of the State Architect (DSA), within the State of California Department of General Services, ensures that public building projects meet the minimum required standards provided in Title 24, California Code of Regulations for structural, and fire and life safety and certifies that the drawings and specifications are in compliance with state regulations for reasonable accommodation of the disabled. Plan review and construction oversight are provided for all construction with the exceptions specified in the California Education Code.

To meet this end, the District contracts with the Bond Program Management team to provide DSA-approved inspectors of record (IORs) to conduct inspection services in accordance with DSA procedures and requirements throughout all phases of the project³.

I. TESTING LABORATORY

As specified by project, a testing laboratory is hired by the District to provide testing and inspection services. The Bond Program Management team works with the IOR to coordinate and monitor testing activities.

J. CONTRACTOR

Each construction contractor contracts with the District to perform the scope of work detailed in the project contract documents. The contractor is responsible to provide for subcontractors and suppliers providing services under its contract. Each contractor is also responsible for coordinating work with the Bond Program Management team to identify potential interface at the site and with other trades impacted by the project contract scope. The contractor is to cooperate fully with the Bond Program Management team in coordination of construction activities and scheduling requirements. The contractor shall have at least one responsible person on site at all times during its construction work hours.

³ DSA form IR A-8 Project Inspector and Assistant Inspector Duties and Performance (see Appendix E)

Section 5

BOND ADMINISTRATION

- A. ADMINISTRATIVE SYSTEMS**
 - 1. Filing Systems
 - 2. Document Control
 - 3. Conventional Files
 - 4. Electronic Files
 - 5. Department and District Servers
 - 6. Communications
 - 7. Software Programs
 - 8. Tracking
 - 9. Document Archives
- B. DEFINITION OF PROGRAM VERSUS PROJECT**
- C. PROGRAM ADMINISTRATION**
 - 1. Software
 - 2. Files and Archives
 - 3. Communications
 - 4. Tracking Systems
 - 5. Fraud Management
 - 6. Board of Education Approvals
- D. PROJECT ADMINISTRATION**
 - 1. Software
 - 2. Collaboration
 - 3. Scheduling
 - 4. Files and Archives
 - 5. Communication
 - 6. Tracking Systems
 - 7. Fraud Management
 - 8. Document Control

A. ADMINISTRATIVE SYSTEMS

The bond management administrative systems are used to initiate actions, perform tasks, collect data, track, and store information for planning, current use, and historical reference. The methods used include document development, processing, distribution, and filing for individual and group communications, and future resourcing, using software programs, and electronic and hard copy storage and tracking processes.

1. Filing Systems

Documents are stored electronically within software systems and on the District server. If hard copies are submitted, they are scanned for electronic storage on the District server and stored in conventional file cabinets, and eventually relocated to an archive when regular resourcing is no longer necessary.

Bond management staff are expected to have a comprehensive understanding of the filing system and are responsible for correctly labeling documents and files according to the filing system specifications.

2. Document Control

Document control is accomplished with electronic files. Any physical documents received are date-stamped upon receipt, then scanned before being securely placed in hard copy file folders and uploaded to the server.

3. Filing System

The filing system maintains bond administration files by:

- Year
- Project
- Vendor

4. Electronic Files

Electronic files are the primary tool for document storage. All District e-files submitted to Bond Program Management team are stored on the Fonder-Salari server. A copy of all electronic files will be given to the District after the project is complete. Electronic files are uploaded to project files, are then sorted by a primary category, and then filed in ascending date order (oldest first) to aid in tracking the sequence of events for a project within a given area/category. Categories within a project typically include:

- Overviews and File Directory
- Owners Team Contracts
- Planning
- Project Documents
- Pre-Bid
- Post-Bid

- Contracts
- Forms and Templates
- Requests for Information
- Submittals
- Pay Applications
- Cost and Changes
- General Correspondence and Misc
- Schedules
- Meetings
- Management Reports
- Testing and Inspections
- Safety
- Photos
- Closeout

5. Department and District Servers

The Bond Program Management team's server is used to store documents and data related to District sites, facilities, and projects. The department "F drive" is part of the District's central filing system and is used to store all documents obtained by District employees.

6. Communications

Communications are made via phone and email and collected in meeting minutes and within collaborative forums within software systems. Commitments are put in writing with notes including time, date, and parties included, then filed for future reference in the hard copy project file.

7. Software Programs

Software programs are necessary to collect the large amount of data compiled and exchanged for review, processing, and reporting, and to share information and project status in real-time.

8. Tracking

Tracking is achieved within software programs, and via transmittals which are used to document the formal transfer of information.

9. Document Archives

Project files are archived on electronic drives and kept up by the Bond Program Management team. Copies of all electronic data will be transferred to the District at the conclusion of the project. Project documents may include, but are not limited to:

- Project bid sets
- Record drawings
- Specifications

- Addenda
- Change orders
- RFIs
- Submittals
- IOR daily reports
- Project management documentation
- Schedules
- Project closeout documents including testing and inspection reports, warranties, and O & M manuals
- Hazardous materials reports (including asbestos removal)
- Real estate documents
- Signed contracts and agreements
- Applications for payment and schedule of values
- Government agency communications
- Environmental Reports
- Photographs
- Project correspondence.

B. DEFINITION OF PROGRAM VERSUS PROJECT

In Bond Administration, there are two primary areas of focus and development: program and project.

Program includes areas related to district administrative policies, procedures, and development. It is also the management framework for projects that encompass district issues (legal issues) or district-wide events (bond measures).

When ideas move from the vision development and planning stage, the process of implementation and realization typically forms what is called a project.

Projects are independent, specific planned events that take place within the framework of the program. A construction event is a project.

C. PROGRAM ADMINISTRATION

1. Software

For program administration, the Construction and Facilities Department (C&FD) utilizes District accounting software complemented by a financial accounting and cost management program to create reports and view the status of funds. Programs and websites used are:

- Procore software for project management
- Business Enhancement System Transformation (BEST) Financial (FIN) for purchase requisitions and purchase order (PO) management
- Business Enhancement System Transformation (BEST) InfoAdvantage Reports to view requisitions and PO status and download expenditure and other accounting reports

- Keystone Solutions provided by California Financial Services (CFS) utilizing CFS Internet access for tracking and reporting financial transactions and budget and preparing reports for the BOE and CBOC¹
- Microsoft Office for general administrative use

2. Files and Archives

For program administration, the C&FD utilizes traditional hard copy purchase order files organized by site and then vendor name.

3. Communication

For program administration, the C&FD utilizes phone, conferencing, email, and form tracking to communicate, collect data, research information, and compile notes and summaries of transaction/procedure status.

4. Tracking Systems

A separate hardcopy tracking system is used for the procurement of upcoming projects to ensure use of proper procedures. Checklists are used to track the completion of steps.

5. Fraud Management²

A combination of training session, lists, documented communications, and tracking forms provides a reference for protocol adherence and assignment of responsibility on procedures. **The viewing of training videos and reading of the PowerPoint presentation found as part of Appendix G are mandatory for all Bond Program Management team employees.**

The training videos used can be found at the following links:

[Fraud Awareness and Prevention in the Workplace - YouTube](https://www.youtube.com/watch?v=i58CofSv9jU)
<https://www.youtube.com/watch?v=i58CofSv9jU>

[Fraud Prevention Strategies: A Forensic Accountant's Top 20 List - YouTube](https://www.youtube.com/watch?v=HtckHcbbv1w)
<https://www.youtube.com/watch?v=HtckHcbbv1w>

6. Board of Education Approvals

Agenda Items

Approximately one week before the next regularly scheduled BOE meeting, items for presentation to the BOE must be agendized using the District's "Agenda Online" program at: www.bhusd.org/AboutUs/BoardofEducation/MeetingAgendas/BoardAgendasOnline Authorization to initiate and edit items is through secure access, which is provided by the Superintendent's office (password required.) Items will be presented in Closed Session or Open Session, depending on the subject matter.

¹ Keystone financial report examples included in Appendix F.

² Project and Fraud Avoidance Checklist included in Appendix G

a) **Closed Session**

Closed Session items include: Conferences with Legal Counsel and Public Employee Discipline, Dismissal or Release. Closed Session items are placed on the agenda by the Superintendent.

b) **Open Session**

Open Session items are presented in the following sections of the agenda:

1) Hearing

The Hearing section of the agenda is available for public comment. Items will be noted in the meeting minutes, but nothing may be presented for a vote that has not previously been submitted to the Board for discussion.

2) Discussion

Items are brought up for discussion among the Board members, so that everyone may gain further understanding of the issue. Board members will then have more time to form opinions or do their own research. No vote will be taken by the Board on these items.

3) Reports

Reports are submitted at the Board's request. Either a member of the Board or a member of the public may submit the report at this time, but only upon prior formal request from the Board.

4) Consent Items A consent agenda is a board meeting practice that groups routine business and reports into one agenda item. The consent agenda can be approved in one action, rather than filing motions on each item separately. The types of items that appear on a consent agenda are non-controversial items or routine items that are discussed at every meeting. Consent items can also be items that have been previously discussed at length where there is group consensus. The following items are typically found on a school district's consent agenda:

- Meeting Minutes
- Acceptance of Donations
- Warrant Report
- Purchase Order List
- Staff Appointments

5) Action Items

a) Action items are requests to the BOE that require BOE authorization. The items can request any of the following actions by the BOE:

- Approval
- Adoption
- Award
- Acceptance
- Ratification

- Resolution³
 - Emergency Resolution
 - Selection
 - Determination
 - Amendment
 - Rejection
 - Denial
- b) An action agenda item should provide the BOE with a clear understanding of what is being requested. The narrative should be respectful and concise, while communicating the recommended option. Except in the case of ratification, a decision has not been made until the BOE acts on the item. The action item should include:
- Meeting Date
 - School Site
 - Agenda Item Name (Vendor, School Site, Bid No., etc.)
 - Rationale for Requested Action
 - Recommended Motion
 - Financial Impact

D. PROJECT ADMINISTRATION

For project administration, the C&FD utilizes project management and scheduling software to communicate and collaborate on a project in real time.

1. Software

For project administration, the C&FD utilizes project management and scheduling software to communicate and collaborate, including:

- Procore project management software for team collaboration on projects
- Microsoft Project for general project development, outline, scheduling and management
- Microsoft Office for general administrative use

³ There is no formal rule to govern when a resolution should be prepared in place of a request for approval. However, a resolution is the appropriate course of action in some circumstances, including: if the matter is one that by statute or bylaws is required to be covered by a resolution; if the matter regulates the management of the District and is meant to be permanent until changed; or if the matter is one that is likely to be referred to from time to time.

2. Collaboration

Collaboration relies on real-time communication to stakeholders during the course of the project. The project management system is used by the Bond Manager, District staff, consultants and contractors to record essential project information.

The project management system provides:

- Controlled data entry to ensure consistent information across shared documents, i.e., single entry of information by the consultants, contractors and Bond Manager; and
- Secure internet access to reports, forms, drawings, specifications, policies/procedures and other project information based on the user's access privileges.

Through Procore, the Bond Manager establishes workflows which allow the involvement of multiple entities for a specific review and response to Requests for Information (RFIs), submittals, etc. Procore allows a thorough review by all parties prior to approval/non-approval. Through Procore, change event placeholders are initiated via RFI responses, submittal responses and/or unforeseen conditions in the field, in real-time, which allows tracking of potential impacts to the project.

Project starting after July 1, 2023 will also use Procore to review Applications for Payment.

3. Scheduling

Scheduling deals with the timelines for the various phases of a project. The project baseline schedule provides a time-phased, logical sequence of interdependent activities, milestones, and events defined by the scope of the project. Schedule performance is tracked by project and master project schedule so that adjustments can be made to reflect the actual schedules as required. The key requirements for the system include:

- The ability to show both detailed and roll-up schedules.
- The ability to add costs for a cost-loaded schedule (not usually done for small projects).

4. Files and Archives

For project administration, the C&FD utilizes electronic files, resourced and stored by site, and by project name. Projects have primary files and independent sub-folders developed as needed by project.

5. Communication

For project administration, the Bond Management team uses phone, email, and software collaboration to collect data, and various process components. Regular project meetings take place to update players and components.

6. Tracking Systems

Procore tracks entry and status, including aging, of each project element that can impact time. This tracking is a comprehensive feature of the software. Procore date stamps entries in real-time as they are entered into the system. Procore has workflows built into the collaborative items that include reporting on aging of action items.

7. Fraud Management

Software sign-in and tracking as well as a combination of lists and electronic communications provide documentation for protocol adherence. ⁴ **Viewing of fraud avoidance training videos listed below and reading of the PowerPoint presentation found as part of Appendix G are mandatory for all Bond Program Management team employees.**

The training videos used can be found at the following links:

[Fraud Awareness and Prevention in the Workplace - YouTube](https://www.youtube.com/watch?v=i58CofSv9jU)
<https://www.youtube.com/watch?v=i58CofSv9jU>

[Fraud Prevention Strategies: A Forensic Accountant's Top 20 List - YouTube](https://www.youtube.com/watch?v=HtckHcbbv1w)
<https://www.youtube.com/watch?v=HtckHcbbv1w>

8. Document Control

Using Procore, the Bond Manager is involved in the day-to-day correspondence with the general contractor, architect, and consultants to facilitate flow of documentation. The Bond Manager is able to vet RFIs and submittals prior to their being released to the A/E team, which allows the owner to be written into the script and have an opportunity to be involved in the outcome, which could impact schedule and cost to the project. Documentation related to the project is captured in one place:

- RFIs
- Submittals
- Schedules
- Change Events
- Potential Change Orders
- Change Orders
- Delays
- Corrective Notices
- Punchlists
- Closeout
- Warranties
- Inspections

⁴ Project and Fraud Avoidance Checklist is included in Appendix G

Section 6

FUND ADMINISTRATION

- A. PROGRAM FUNDING**
- B. BOND FUND MANAGEMENT**
 - 1. Drawdown Schedules**
 - 2. Establishing Bond Project Budgets**
 - 3. Program Funding Control System**
 - 4. Program/Project Management Control**
 - 5. Cost Management**

A. PROGRAM FUNDING

The District has three major funding sources for capital improvement projects:

- Local Bond-Measure E
- Local Bond Measure BH
- State school bonds through the School Facility Program (SFP) and other programs administered by the Office of Public School Construction (OPSC), State Allocation Board (SAB) and California Department of Education (CDE).
 - Seismic Retrofit
 - Modernization
 - Career Technical Education (CTE)

Other funding sources have included:

- Developer Fees
- Proposition 39 Energy Efficiency Funds
- District General Fund

The major funding source for District facilities projects is local bonds. Other funding sources are used to fund auxiliary projects or as a method of increasing the scope of a bond project that is eligible for alternate funding. As funding is added to or removed from the project, it is tracked and applied to the project for which it is allocated.

B. BOND FUND MANAGEMENT

1. Drawdown Schedules

For Measure BH, an accurate and updated drawdown schedule will allow the District to estimate bond fund drawdowns, providing maximum return on the funds. The drawdown schedule will reflect actual cash flow against incurred costs on work in progress. Fiscal year closeout expenditures will be reconciled to mirror the District's fiscal year accounting closeout period, integrating project accounting with the District's financial management system.

2. Establishing Bond Project Budgets

The original and current program budgets are contained within the financial control system. Project budgets are determined based on the initial scope of work, a comparison to historical data on prior projects, if applicable, and trends. On projects with sub-projects or increments, an accounting goal may be used to identify budgets and expenses for that sub-project, otherwise, all project expenses are allocated to the main project. Bond budget updates are provided to the BOE whenever a requested Board action affects the existing budget.

3. Program Funding Control Systems

The funding control system addresses financial accounting and cost management. The system consists of the following:

- BEST, the District's Los Angeles County Office of Education financial system
- Keystone Solutions provided by California Financial Services (CFS)
- Procore
- Primavera P6

Financial accounting is accomplished using BEST and CFS Keystone Solutions to maintain auditable financial records that track funding sources, budgets, encumbrances, and expenditures. Components of the system are used daily to record financial data. Reports are prepared to reflect the updated budgets, encumbered costs, and expenditures as needed by District administration, the BOE, and the CBOC. Samples of the monthly report to the CBOC is included in available on the system are included in Appendix F.

The Bond Manager and fiscal services staff are responsible for inputting and assuring the accuracy of data in BEST and CFS Keystone Solutions. The Bond Manager is responsible for monitoring expenses to ensure that the project expenses do not exceed the project budget.

Budget line items are coded using the California Standardized Account Code Structure (SACS). The Bond Program Management team uses detailed reports from BEST Financial (FIN), BEST InfoAdvantage and CFS Keystone Solutions to manage project budgets by line item.

4. Program/Project Management Controls

The Bond Program Management team should integrate budgets, expenditures, commitments, trends, forecasts and schedules in the management of each project as well as the program as a whole. The key requirements for the system include:

- Real-time and manual data entry of project cost and schedule data
- Various levels of reporting and flexible reporting tools
- Internet-based integrated platform for managing and reporting required by key stakeholders, public agencies and District staff.

5. Cost Management

Cost management uses cashflows, cost forecasts, commitments, and historical trending to forecast future expenditures and funding requirements, which allows management to monitor and control budgets and expenditures proactively.

Cost forecasts are prepared on a continual basis as project information becomes more defined and progress is achieved. Three critical phases in the project lifecycle will trigger new forecasts.

- a) Schematic Phase – forecast based on design concepts established by the District
- b) Design development phase – forecast based on Designer's completed drawings

- c) Construction document phase – forecast is based on the completed engineering and design. The construction phase will mark a period of continuous review and monitoring where forecasts are prepared routinely and as necessary from trending information.

In addition to the forecasts generated from the three critical phases, new forecasts can also result from other events such as: a change in scope, trending project expenditures, trending commitments, schedule impact, and unanticipated changes in market conditions. Changes in scope include but are not limited to environmental factors and unplanned events. These changes are tracked for continuous learning.

Preparation of project forecasts is the responsibility of the Bond Program Management team. Close examination of project expenditures and commitments is conducted on a continual basis to ensure compliance with the Master Plan. This trending information is used to prepare an updated project forecast.

Section 7

PROCUREMENT

A. GENERAL PRINCIPLES

- 1. Definition of Procurement**
- 2. Description of Procurement Fraud**
- 3. Paper Trail**
- 4. Public Project Definition**
- 5. Types of Procurement**

B. PROCUREMENT METHODS

- 1. Public Projects**
 - a. Competitive Bids**
 - (1) Prequalification**
 - (2) Procedures for Advertising Bids**
 - (3) Pre-Bid RFIs**
 - (4) Construction Contract Award**
 - b. Emergency Exception**
 - c. Public Policy Exception**
 - d. Alternative Competitive Bid Process— CUPCAA**
 - e. Emergency CUPCAA**
 - f. Force Account Labor**
- 2. Materials, Supplies and Certain Services**
 - a. Piggybacking**
 - b. California Multiple Award Schedule (CMAS)**
 - c. Cooperative Purchasing**
 - d. Purchases less than \$50,000 (as adjusted)**
 - e. Creating Requisitions/Purchase Orders**
- 3. Certain Technology Equipment and Services**
- 4. Professional Services**

C. PROJECT DELIVERY METHODS MOST OFTEN USED BY THE DISTRICT

- 1. Design-Bid-Build**
- 2. Lease-leaseback**

A. GENERAL PRINCIPLES

1. Definition of Procurement

Procurement is the process of researching/finding, agreeing on contract terms and receiving/acquiring goods, services and/or work from an external source, often via a tendering or competitive bidding process. The process of procurement is used to ensure that the buyer receives goods, services, or work at the best possible price, when aspects such as quality, quantity, time and location are compared. School districts develop processes intended to promote fair and open competition for their business while minimizing risk, such as exposure to fraud and collusion.

2. Description of Procurement Fraud

Procurement fraud can be defined as dishonestly obtaining an advantage, avoiding an obligation, or causing a loss to public property or various means during the procurement process by public servants, contractors or any other person involved in the procurement. An example is a kickback, whereby a dishonest agent of the supplier pays a dishonest agent of the purchaser to select the supplier's proposal, often at an inflated price. Other frauds in procurement include:

- Collusion among bidders to reduce competition;
- Providing bidders with advance "inside" information;
- Submission of false or inflated invoices for services and products that are not delivered or work that is never done. "Shadow vendors," shell companies that are set up and used for billing, may be used in such schemes;
- Intentional substitution of substandard materials without the customer's knowledge;
- Use of "sole source" contracts without proper justification;
- Misuse of prequalification standards in specifications to exclude qualified contractors;
- Dividing requirements to qualify for small-purchase procedures to avoid scrutiny for contract review procedures of larger purchases (bid splitting).

These indicators of fraud are discussed as part of the mandatory training of all Bond Program Management team employees, which is done through a PowerPoint presentation¹ and training videos. The video links can be found at the links below.

[Fraud Awareness and Prevention in the Workplace - YouTube](https://www.youtube.com/watch?v=i58CofSv9jU)

<https://www.youtube.com/watch?v=i58CofSv9jU>

[Fraud Prevention Strategies: A Forensic Accountant's Top 20 List - YouTube](https://www.youtube.com/watch?v=HtckHcbbv1w)

<https://www.youtube.com/watch?v=HtckHcbbv1w>

¹ The Fraud Awareness Training: Detection and Prevention PowerPoint presentation is included as part of Appendix G.

3. The Paper Trail

Buyers should create and maintain their procurement records keeping in mind that all procurement records are public records subject to request and release to the requestor.

Planning the purchasing activity begins as soon as the need has been identified. Buyers should develop a strategy of how the procurement activity will be accomplished and document the rationale of what led to the decision. Following is an outline of steps from need recognition to contract:

a. Provide the basis of the decisions

Describe how competition will be sought, promoted and sustained throughout the course of the purchasing activity. If open competition is not the method of choice, document the basis of that decision. The District will pursue multiple prices and track efforts for every procurement.

b. Degree of detail

The degree of documentation detail is determined by the cost, risk, complexity, and necessity of the purchasing activity. If, for example, the selection of the purchase approach was dictated by time constraints, then appropriate notations in the procurement file should be made about the reason for the urgency. The District should maintain a log of the events and decisions that lead up to and complete the purchase transaction, providing a timeline and history of the actions taken throughout the procurement process.

c. Take Notes

The District should make notes about meetings held and create a phone log to record pertinent phone conversations about procurement. Maintaining consistent, high quality file documentation creates a consistent narrative for audit purposes.

4. Public Project Definition

For a school district, a public project is defined in the California Public Contract Code as:

- (1) Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility;
- (2) Painting or repainting of any publicly owned, leased, or operated facility.
- (3) In the case of a publicly owned utility system, "public project shall include only the construction, erection, improvement, or repair of dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

California Public Contract Code, Section 22002.c

A public project does not include maintenance, defined as:

- (1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purpose.
- (2) Minor repainting.
- (3) Resurfacing of streets and highways at less than one inch.
- (4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.
- (5) Work performed to keep, operate and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

California Public Contract Code, Section 22002.d

5. California Uniform Public Construction Cost Accounting Act (CUPCCAA)

A public agency may voluntarily elect to become subject to the uniform construction cost accounting procedures. Participating agencies benefit from the raised force account limit and the informal bidding procedures.

- (a) Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.
- (b) Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this article.
- (c) Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise noted in this article, be let to contract by formal bidding procedure.

California Public Contract Code (PCC), Section 22032 et. seq.

Beverly Hills Unified School District opted into the Act on January 26, 2016, per Board Resolution No. 2015-2016-013 attached herein².

CUPCCAA's informal bidding procedures require the District to notify specific trade journals each year in November and generate a list of interested contractors from contractor responses received by the District from the trade journal notifications to establish a list of qualified contractors according to category of work for the next calendar year.

Contractors interested in registering as a CUPCCAA Contractor must register online with PQBids at <https://pqbids.com/beverlyhills/>. The required information includes:

- Firm Name
- Contact Name
- Contact Phone and Email
- Type of work interested in and currently licensed for; and
- License Number(s) and Class of license(s) held

² "Resolution No. 2015-2016-013 - Resolution Adopting Uniform Public Construction Cost Accounting Procedures" is attached in Appendix H.

In addition, the District may include any contractor it desires who requests to be added to the list during the year, so long as the contractor provides the District with the required information.

If no bids are received through the formal or informal bidding procedure, PCC section 22038 permits the negotiation of a contract.

6. Participation by Disabled Veteran Business Enterprises (DVBE)

State funded or State reimbursed contracts must comply with Article 6 (commencing with section 999) of Chapter 6, Division 4 of the Military and Veterans Code regarding Disabled Veterans Participation Goals for State Contracts (the "DVBE Law").

The DVBE Law only applies to contracts for which a district has requested or will request State funding through Bond Acts approved by the electorate after August 26, 1992. Thus, in order to assure that a district will qualify for State funds for projects and all contracts for which it is seeking such funds, even if the district will seek State funding on a project at some future date, the procedures required by OLA relating to DVBEs must be properly followed and used by the district. Furthermore, a district must comply with DVBE requirements for an entire project even if only a small portion of the project is or will be funded by the State.

A district must comply with the DVBE Law if a project is a State funded lease-purchase, but if a district finances the project by a lease-purchase through a private leasing company it is not required to comply with the DVBE Law, unless the district intends at some later time to seek reimbursement from the State. It is noted that although the State Allocation Board in Sacramento ("SAB") administers funding to schools for deferred maintenance, asbestos abatement and year-round schools air conditioning, these programs are not required to comply with the DVBE Law.

B. PROCUREMENT METHODS

1. Public Projects

As a public institution, the District must ensure that all projects are completed with the highest quality for the lowest possible cost. Since the District has opted into the CUPCCAA procedures, all projects must adhere to one of the following methods of procurement, based on the value and circumstances of the project.

a. Solicitation of Proposals

Value: Under \$60,000

Contracts for less than \$60,000 may be obtained by soliciting three or more proposals. If three proposals cannot be obtained, a memo of justification will be required along with the proposals submitted.

The District may also self-perform the work.

b. Informal Bid

Value: Between \$60,000 - \$200,000

Contracts with a value between \$60,000 - \$200,000 may be obtained through informal bid procedures.

Informal bid procedures under CUPCCAA were adopted by the BHUSD Board of Education through Resolution 2015-2016-014. According to these procedures:

- The District shall develop and maintain a list of qualified contractors.
- If the value of the project is anticipated to be less than \$200,000, a notice inviting informal bids shall be mailed to all the qualified contractors on the list mentioned above not less than ten (10) calendar days before bids are due. As a best practice guideline, notice inviting informal bids should also be mailed to all construction trade journals specified in PCC section 22036 within this timeframe. The notice shall include:
 - A description of the project in general terms.
 - The location where bidders may obtain more detailed information about the project.
 - The time and place for the submission of the informal bids.

c. Formal Competitive Bid

The competitive bid process is one in which a district publishes bid specifications and contractual provisions which all the bidders must meet. Per CUPCCAA rules, formal competitive bidding is required for any project over \$200,000.

The notice inviting the bids must be sufficiently detailed to provide a basis for full and fair competitive bidding upon a common standard and must be free from any restrictions stifling competition.

If any bidder does not meet all the material bid specifications or agree to all the material contractual provisions, that bidder must be deemed a non-responsive bidder and its bid must be rejected. Unless otherwise authorized by statute, in the competitive bid process, a contract must be awarded to the lowest responsive, responsible bidder.

(1) Prequalification

The intent of a prequalification process is to ensure that contractors bid on works that match their skills and experience, minimizing the risk to the District. Public Contract

Code (PCC), Section 20111.5 enables districts to require contractors to be prequalified prior to accepting bids.

PCC 20111.6 requires a District to prequalify for certain projects when using funds received pursuant to the Leroy R. Greene School Facilities Act of 1998 or any funds, including funds reimbursed, received from any future state school bond for a public project that involves a project expenditure of one million dollars (\$1,000,000) or more. For the purposes of this section, prequalification is required of prime contractors holding an “A, General Engineering” license, “B, General Building” license, and if utilized, each Electrical, Mechanical, and Plumbing contractor, whether as a prime contractor or as a subcontractor.

For purposes of this section, electrical, mechanical, and plumbing subcontractors are contractors specifically holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, or C-46 licenses, pursuant to regulations of the Contractors’ State License Board.

The prequalification process approved by the BOE on March 27, 2014, involves:

Step 1: Determine if the project requires a prequalification process.

Step 2: Is this a stand-alone solicitation for a future project or one that is ready to bid now? If it is for future work, the advertisement should state that the District is soliciting one or more firms to be prequalified. If the prequalification is for a project ready to bid, the information should be included in the bid advertisement.

Step 3: Define the general prequalification criteria that is suitable for this project and expected from potential bidders. The criteria cannot be biased towards a single firm.

Step 4: Identify individuals directly responsible for any questions during the prequalification period. Assign responsibility to a particular person for reviewing each defined section of the application:

- 1) **Overall application**
- 2) **Financial section**
- 3) **References**
- 4) **Project experience.**

Step 5: Advertise as a formal bid. Ensure the prequalification packet and due dates are included in the formal bid package, and that they meet the legally required timeframes.

Step 6: Applications are required to be securely submitted through the online system PQ Bids, and may be reviewed as they are submitted through the system. After the prequalification application deadline has passed, ensure applications received are

reviewed in a timely manner. Create a list of packages received. Send an electronic copy of each package to the designated review team. Keep originals as received by the District.

Step 7: Complete the prequalification scoring sheet for each package/contractor. This sheet lists the District's criteria with a box to indicate how the questions have been answered. Use the scoring sheet to develop a pass or fail score. The scoring sheet approved by the BOE is attached in Appendix I.

Step 8: If there are discrepancies, or missing information, email each firm. Allow them no more than five days to respond. If prequalification is required to bid on a project, the contractor must provide all required documentation no less than ten (10) business days prior to the date fixed for the public opening of sealed bids (bid opening). Advise them that failure to respond or comply will render their packages incomplete and thus rejected. Do not allow any firm more time than others: ensure equal treatment of all firms.

Step 9: When calling references, keep note of time, date and response. It is permissible to mark up the package. Keep all documents. Print emails for the file. Note: The information in the prequalification packages is NOT a public record and should be treated as confidential.

Step 10: Double check the review sheet and have it checked by a colleague. Create a list of passes/fails.

Step 11: Notify all firms formally with a template letter of pass or fail. If prequalification is required to be allowed to bid for a current project at bid stage, time is of the essence.

Step 12: A prospective bidder who has timely submitted a completed application form, and who receives a rating of "Not Prequalified" from the District may appeal that determination. There is no appeal from a finding that a prospective bidder is not prequalified because of a late application or a failure to submit required information. A prospective bidder may appeal the District's decision with respect to its request for prequalification, by giving written notice to the District no later than five (5) business days after receipt of notice of its prequalification status. Unless a prospective bidder files a timely appeal, the prospective bidder waives any and all rights to challenge the prequalification decision of the District, whether by administrative process, judicial process or any other legal process or proceeding. The District reserves the right to resolve appeals before or after bid opening or award of any contract. The date for submission and opening of bids for a specific project and any subsequent contract award will not be delayed or postponed to allow for completion of an appeal process. If the contractor gives the required notice of appeal

and requests a hearing, the hearing shall be conducted in an informal manner by a panel selected by the Bond Program Management team.

Step 13: If a public project covered by PCC Section 20111.6 includes electrical, mechanical or plumbing components that will be performed by electrical, mechanical or plumbing contractors, a list of prequalified general contractors and electrical, mechanical and plumbing subcontractors shall be made available by the school district to all bidders at least five (5) business days before the date fixed for the public opening of sealed bids.

(2) Procedures for Advertising Bids

The Superintendent or designee for the purpose of securing bids shall publish at least once a week for two weeks in a newspaper of general circulation published in the District, or if there is no such paper, then in a newspaper of general circulation, published in the county, and may post on the District's website or through an electronic portal (ARC-Planwell), a notice calling for bids, stating the work to be done, schedule for completion of work, materials or supplies to be furnished, and the time and the place where bids will be opened. The notice inviting formal bids shall also be sent electronically to all construction trade journals specified in PCC Section 22036. The notice shall be sent at least fifteen (15) calendar days before the date of opening the bids. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are opened at that time.

Notice of inviting formal bids for projects by a public agency, which includes a requirement for prequalification or for any type of mandatory pre-bid conference, site walk, or meeting shall also include the time, date, and location of the mandatory pre-bid site walk, conference, or meeting, and when and where project documents, including final plans and specifications are available. Any mandatory pre-bid site visit, conference or meeting shall occur not less than five calendar days after publication of the initial notice.

Bid instructions and specifications shall include the following requirements and information. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold.

All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security, in an amount not less than ten percent (10%) of the maximum bid amount as a guarantee that the bidder will enter into the proposed contract, if awarded to the bid:

- A cashier's check made payable to the District
- A certified check made payable to the District
- A bidder's bond executed by an admitted surety insurer and made payable to the District

The security of unsuccessful bidders shall be returned in a reasonable period of time, no later than 60 days after the bid is awarded by the BOE.

Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time.

When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted.

If the District requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which method, as outlined in PCC Section 10126(c), will be used to determine the lowest bid.

(3) Pre-Bid RFIs

During the bid process, contractors seeking to submit a price may have questions related to the information provided regarding the project (drawings, specifications, dates, scope definition, etc.) These questions are reviewed by the management team to determine whether there is a need to make a clarification, and, when applicable, submitted to the Design Team for processing.

If it is determined that clarification is warranted, all contractors, and all locations of postings regarding the bid, need to be provided with an addendum which addresses the RFI clarification. All contractors are to be notified of the clarifying information at the same time using an Addendum.

(4) Receipt of Bids, Public Opening and Bid Review

Step 1: The bids will be received by the District's Purchasing Department and reviewed by the Bond Program Management team. The District's Bond Program Management team will develop a Bid Recap Sheet (a list of bidders and their bid amounts). Each bid received will be reviewed and compared to the bid documents by the Bond Program Management team. The apparent lowest responsive and responsible bidder will be recommended to the Board of Education by the Bond Program Management team, and the determination will be entered into the Consolidated Procurement Activity Report (See Appendix G). The Bond Program Management team processes an agenda item for recommendation of the "Lowest Responsive, Responsible Bidder" for approval by the BOE.

Step 2: Concurrent with the submission of a formal recommendation for award to the District, the Bond Program Management team will prepare an "Intent to Award" to be issued to all bidders. This letter notifies bidders of the contractor recommended for award or alternative recommendation, along with the day, time, and location of the Board meeting in which it will be reviewed and considered for approval.

Step 3: Bids will be made available for review upon a contractor's written request to the District through the Bond Program Management team, per Public Records Act.

Step 4: A five-day bid withdrawal period will be observed if the contractor made a clerical error which made the bid materially different than the contractor intended it to be.

Step 5: The bid protest process and period will be managed by the Bond Program Management team.³

(5) Contract Award

Step 1: The Bond Program Management team must confirm action by the Board of Education, either by attending the Board meeting, confirming with the District, or verifying on the District-posted Board Meeting Minutes through the District's website.

Step 2: The day following BOE approval, the "Notice of Contract Award," with all required attachments, will be issued as a PDF to the awarded Contractor via email to the email address outlined on the Bidder's Bid Proposal. Distribution (cc) list should include the Bond Program Management team and the District team.

The following items will be required: One (1) original Agreement to be signed with the total amount entered on the Agreement, Certificates of Insurance for liability insurance, including endorsements, per the Contract Documents, a performance bond in the amount of 100 percent of the bid, all required certifications per the Project's Contract Documents, and a W-9 form. All Contractors and subcontractors providing direct labor on the project, including temporary labor services and leasing companies, must enroll in the District's Owner-Controlled Insurance Program (OCIP). Proof must be submitted of coverage for auto liability insurance, Workers' Compensation and general liability insurance in accord with Board-approved OCIP standards.

³ Bid Protest Process is outlined in the District's Bidding Documents "Instructions to Bidders" section.

- A. Automobile Liability Insurance Requirements and Limits Are as Follows:** See Section 1.8 for Certificate Holder and Additional Insured Endorsement specifications. Automobile Liability Insurance must cover all vehicles owned by, hired by, or used on behalf of the Contractors/Subcontractors for both Project Site and off-site operations with the following minimum limits of liability:

Auto Liability Insurance Limits:

Enrolled Contractors/Subcontractors

<u>General/Prime Contractor</u>	<u>Subcontractor</u>	
\$2,000,000	\$1,000,000	Bodily Injury and Property Damage

Ineligible Contractors/Subcontractors – Not Enrolled

<u>General/Prime Contractor</u>	<u>Subcontractor</u>	
\$2,000,000	\$1,000,000	Bodily Injury and Property Damage

- B. Workers' Compensation and Employer's Liability Insurance Limits:**

Workers' Compensation –Statutory Benefits - All States

Employer's Liability:

\$1,000,000 Bodily Injury each Accident

\$1,000,000 Bodily Injury by Disease – Policy Limit

\$1,000,000 Bodily Injury by Disease – Each Employee

- C. General Liability Insurance, minimum limits of liability are as follows:**

Eligible Contractors/Subcontractors

<u>General/Prime Contractor</u>	<u>Subcontractor</u>	
\$2,000,000	\$1,000,000	Bodily Injury and Property Damage
\$2,000,000	\$1,000,000	Per Occurrence
\$2,000,000	\$1,000,000	General Aggregate
\$2,000,000	\$1,000,000	Products/Completed Operations Aggregate
\$2,000,000	\$1,000,000	Personal/Advertising Injury Aggregate

Ineligible Contractors / Subcontractors – Not Enrolled

<u>General/Prime Contractor</u>	<u>Subcontractor</u>	
\$2,000,000	\$1,000,000	Bodily Injury and Property Damage
\$2,000,000	\$1,000,000	Per Occurrence
\$2,000,000	\$1,000,000	General Aggregate
\$2,000,000	\$1,000,000	Products/Completed Operations Aggregate
\$2,000,000	\$1,000,000	Personal/Advertising Injury Aggregate

Step 3: All Agreement documents outlined in the Contract Award letter must be submitted within five calendar days of receipt of Notice of Contract Award.

Step 4: The Bond Program Management Team will review all Agreement documents returned by the Contractor for compliance. Upon approval, the Agreement will be scanned and saved to the project file, then routed under transmittal to the District for final execution by the Superintendent.

Step 5: One (1) fully executed original Agreement scan must be electronically transmitted to the Bond Program Management team. The original fully executed Agreement document package is intended to be retained by the Purchasing Department hard copy files.

Step 6: Bond Program Management team will save an electronic copy to the electronic project file and issue the Notice to Proceed letter and a copy of the executed Agreement to the contractor via email. A hard copy Notice to Proceed may also be hand-delivered during the Pre-Construction Meeting as these two events typically coincide, per the bid and construction timeline.

Step 7: A requisition is then drafted by the Purchasing Department, which initiates the process for a purchase order.

d. Emergency Exception

California Public Contract Code (PCC) Section 1102 describes an emergency as a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services. PCC Section 20113 goes on to define an emergency as when any repairs, alterations, work, or improvement are necessary to any facility of public schools to permit the continuance of existing school classes, or to avoid danger to life or property.

An emergency resolution is used when there is a situation meeting the above criteria, permitting a public agency to enter into contracts for public work projects without competitive bidding when the total cost exceeds \$15,000. In this case, the BOE may, by unanimous vote and with the approval of the county superintendent of schools, do either of the following:

1. Make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids; or
2. Authorize the use of day labor or force account for the purpose.

e. Emergencies under CUPCCAA

In an emergency, when any repairs, alterations, work or improvement are necessary to any facility of public schools to permit the continuance of existing school classes or to avoid danger to life or property, the governing board of a school district by unanimous vote and with the approval of the county superintendent of schools may make a contract in writing or otherwise on behalf of the district for the performance of labor and furnishing of materials or supplies for the purpose without advertising for or inviting bids.

For this policy, an emergency is a "sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment

of life, health, property, or essential public services." Instead of making a contract as stated above, the District may authorize the use of day labor or force account for such work.

Because the District has elected to become subject to CUPCCAA, different rules apply for emergency contracts issued under CUPCCAA. Under CUPCCAA, emergency situations are governed by PCC sections 22035 and 22050.

(a)

- (1) In the case of an emergency, a public agency, by four-fifths vote of its governing body, may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
- (2) Before a governing body takes any action pursuant to paragraph (1), it shall make a finding, based on substantial evidence set forth in the minutes of its meeting, that the emergency will not permit a delay resulting from a competitive solicitation for bids, and that the action is necessary to respond to the emergency.

(b)

- (1) The governing body, by a four-fifths vote, may delegate, by resolution or ordinance, to the appropriate county administrative officer, city manager, chief engineer, or other non-elected agency officer, the authority to order any action pursuant to paragraph (1) of subdivision (a).

Excerpt from *California Public Contract Code, Section 22050*

f. Force Account Labor in Lieu of Competitive Bidding

In a school district with average daily attendance (ADA) under 35,000, the governing board may make repairs, alterations, additions or do painting, repainting or decorating on school buildings, repair or build apparatus or equipment, make improvements on the school grounds, erect new buildings, and perform maintenance by day labor, or by force account whenever the total number of hours on the job does not exceed 350 hours (PCC §20114). Under CUPCCAA, the force account limit is \$60,000. Force account is the dollar value of labor, materials and equipment at the rate the public agencies charge themselves. An entity's labor cost of a project is not calculated using prevailing wages. Labor cost calculations are based on the entity's actual cost of labor. Force account limits do not apply to maintenance work.

2. Materials and Supplies and Some Services

a. "Piggybacking" on other Public Agency Contracts

As an alternative to bidding, school districts may piggyback on contracts that have been extended to local governments and school districts by certain other government entities such

as school district contracts, county contracts, state contracts, federal contracts and certain other government contracts. The use of these contracts constitutes an exception to competitive bidding. Procurement made under these contracts must be made upon the same terms, pricing and conditions as the original contract.

Public Contract Code (PCC) 20118 states, the governing board of a school district may, without advertising for bids, if the board has determined it to be in the best interests of the school district, authorize by contract, lease, requisition or purchase order, any public corporation or agency to lease data-processing equipment, purchase materials, supplies, equipment, automotive vehicles, tractors and other personal property for the District. Public Contract Code (PCC) does not authorize districts to piggyback on another agency's "service" contracts. PCC section 20118 further states that a district is not required to make payment to the other public agency but may make payment directly to the vendor.

The governing board of a school district is also authorized to purchase materials, equipment or supplies through the State Department of General Services without advertising for bids.

To take advantage of piggybacking, the BOE is required to make a determination that a purchase through a public corporation or agency is in the best interest of the district. The BOE may then authorize the public corporation or agency, by contract, lease, requisition, or purchase order, to make a purchase on its behalf. Such authorization enables the public corporation or agency to include in its advertisement for bids, the quantity or nature of the personal property desired by the District.

Piggybacking is also a mechanism by which cooperative purchasing may be achieved. School districts should ensure that any out-of-state piggyback contracts, associated with a cooperative purchasing agreement or otherwise, complied with all California public contracting laws in procuring the subject of the underlying contract and that the contract terms are consistent with California law.

It is generally accepted that a contract for personal property may be piggybacked if it includes an incidental amount for labor or installation. The general rule is that these labor/installation services should not exceed more than ten percent of the contract work or else the contract should be competitively bid or a determination is made that the work is otherwise exempt from traditional public bidding requirements.

Where installation is less than ten percent of the contract, it is considered "incidental" and is not subject to the bidding procedures outlined in the PCC. If the labor/installation component is 50 percent or more of the total contract value, then it is not incidental and must be treated as a public works project. However, where the labor/installation is beyond the ten percent threshold but less than 50 percent of the contract, the labor/installation is presumptively not incidental, and the burden is placed on a school district to determine otherwise. Where the labor/installation component is between ten percent and 49 percent, the District is advised to record and formalize any findings and the rationale in the approving resolution and any Board minutes, in order to protect itself in the event of a legal challenge.

The District may accept these contracts when the original contract has not passed the expiration date or exceeded its dollar amount (if limited); and it has provisions that allow for piggybacking, meets the DVBE requirements, and has been self-certified by the district originally conducting the bid; and the District has procured a copy of the original contract.

b. Acquisitions from California Multiple Award Schedules (CMAS) Including Acquisitions of Information Technology Goods and Services.

The Procurement Division of the California Department of General Services can provide purchasing assistance to school districts without the necessity for the districts to go to bid. School districts need not competitively bid to utilize the "contracts, master agreements, multiple award schedules, cooperative agreements, or other types of agreements established by the department (CMAS) for use by school districts for the acquisition of information technology, goods, and services." It is certainly clear that school districts can use the CMAS acquisition process for technology goods and services and for goods when the Director of General Services makes these contracts, agreements, and schedules available to them as it now does.

The Government Code defines Information technology as including but not limited to, "all electronic technology systems and services, automated information handling, system design and analysis, conversion of data, computer programming, information storage and retrieval, telecommunications which include voice, video, and data communications, requisite system controls, simulation, electronic commerce, and all related interactions between people and machines."

It is generally accepted that a CMAS contract may include labor/installation services if those services are "incidental" to the project. According to official CMAS program information, "incidental" is defined as meaning that the total dollar value of all services included in a purchase order must not exceed the dollar value of the products. As long as the construction/labor/installation portion of the contract is less than fifty percent of the total project cost, CMAS can be used.

c. Cooperative Contracts

A cooperative contract is created when all agencies establish their requirements together and go out to bid for those requirements in a coordinated effort. Cooperative purchasing leverages purchasing volume and provides greater savings. The District can utilize its contracts as if it had conducted the bid itself.

Some cooperative purchasing agreement sources:

- Cooperative Purchasing – Sourcwell
- Public Sector – OMNIA Partners
- State Leveraged Procurement Agreements (ca.gov)

d. Contracts for Purchases Under \$50,000 in 1997 dollars (plus an inflation factor) for materials and supplies, and services except construction services.

Per the California Department of Education website, for the calendar year 2023, the \$50,000 bid threshold is adjusted to \$109,300.⁴

Procurement of Materials, Supplies, Non-Capitalized Equipment, Equipment, Equipment Replacement and Services, where aggregate amounts do not exceed the limits set by Public Contract Code sections 20111 through 20118, and 22002 shall require the number of written proposals as listed by the corresponding dollar amounts:

PROCUREMENT THRESHOLD	PROCUREMENT PROCESS
1. \$0.01 to \$109,300.00	At least three written proposals must be obtained. The Bond Program Management team will select the vendor who has submitted pricing that is deemed lowest, reasonable and most responsive. If three quotes cannot be found, the Bond Program Management team will select the lowest quote and will include a memo of explanation as to why three quotes could not be obtained.
4. \$109,300.00 and above ⁵	Formal competitive bidding process. Contracts subject to competitive bidding include: Purchase of equipment, materials, or supplies to be furnished, sold, or leased to the school district. 1. Services that are not construction services. 2. Repairs, including maintenance as defined in PCC Section 20115, that are not public projects as defined in PCC Section 22002(c).

Exception per PCC:

If no bids are received through the formal or informal procedure, the project may be performed by the employees of the public agency by force account or negotiated contract without further complying with this article.

California Public Contract Code, Section 22038

⁴ California Public Contract Code 20111, sections (a) and (d). A copy of the Annual Adjustment issued December 20, 2022, can be found in Appendix H.

⁵ California Public Contract Code 20111, sections (a) and (d). A copy of the Annual Adjustment issued December 20, 2022, can be found in Appendix H.

e. Creating Requisitions/Purchase Orders

The assistant to the Executive Director – Construction Services creates a requisition in the BEST (Business Enhancement System Transformation) system. The requisition is forwarded through the electronic approval process. The budget account number, type of goods, services desired and dollar amount determine the approval path of a requisition. When the requisition completes the approval path, the Purchasing Department converts the requisition to a purchase order, obtains the necessary signature, and sends the purchase order to the vendor.

(1) BHUSD Purchasing Department General Procedures (Excerpts)

All requests for goods and/or services shall be submitted by way of Business Enhancement System Transformation (BEST) requisition. (Contact the Purchasing Department for BEST Requisition Desk Manual and Approver Manual).

The requisition shall be electronically approved by the Business Services department.

The requisition must be completely filled in with the following information: vendor name, address, phone number, fax number and contact (if any).

If the vendor is not in BEST, a request must be submitted. (See process below).

Vendors are required to send the District a W-9 and sign a Conflict of Interest form.

The requisition should specify:

- (e) Quantity needed.
- (f) Unit (each, dozen, set, etc).
- (g) Complete description of the item being ordered, including stock number and ISBN numbers, if available.
- (h) Category (use the drop-down tab to determine the category of the item ordered.)
- (i) Unit price.

Indicate shipping, freight or handling charges, if known, as a separate line item on the requisition. If unknown, purchasing will obtain the amount of freight and add it to the purchase order.

The District must pay sales or use tax for purchases of all goods. Sales tax in Los Angeles County is 9.5 percent (starting April 1, 2023). This tax is paid on merchandise and sometimes shipping, even if the order is an out-of-state order. Purchasing will add sales tax when required.

Items being ordered should be entered directly into the BEST requisition system including the name of the person for whom the order is intended in the comment area. In cases where the list of items is extensive, an excel attachment is permissible.

All backup to the requisitions (conference registration forms, list of supplies, quotes, proposals, reimbursement receipts, etc.) must be uploaded to the BEST portal as an attachment to the requisition and sent into workflow for administrators to approve electronically. The requisitions, after properly created, will then be validated to check for errors, and then submitted for approval of the Assistant Superintendent of Business Services.

A copy of the completed purchase order will be returned to the school site/department to verify that the order has been placed.

(2) How to Request a New Vendor in BEST

If there is a new vendor, the following procedure should be followed:

- (a) Ask the vendor if its company accepts purchase orders.
- (b) Request a W-9 from the vendor. The vendor will also need to sign a conflict-of-interest form. (Purchasing Department will request the conflict-of-interest form from the vendor)
- (c) Send the W-9 to the Purchasing Department. (Purchasing cannot enter a vendor in the system without a W-9.)
- (d) Supply Purchasing Department with phone number, fax number, contact name and email if known.
- (e) Email or send information to Purchasing. The requestor will be notified when the vendor is entered and may then proceed with entering the requisition.

Note: The same procedures (#2-4) apply if you know the vendor has requested an address change.

Verification Procedures

All orders will be shipped to the site, at which time they will be forwarded to the originator or assigned receiver.

Approvals

Invoices and requests for payment are reviewed and countersigned two by members of the Bond Program Management Team. Signed invoices are sent to the Assistant Superintendent of Business Services and the Executive Director-Construction Services for approval and then forwarded to Accounts Payable; applications for payment are routed to the Superintendent, the Assistant Superintendent of Business Services and the Executive Director-Construction Services for approval and then forwarded to the Accounts Payable Department.

What is a Purchase Order?

A Purchase Order (P.O.) is a contract that obligates the District to pay the vendor for the listed goods or services received. It states the BHUSD terms and conditions, and instructions to the vendor. The purchase order is faxed or emailed to the vendor from the Purchasing Department after the internal requisition is processed along with any other paperwork necessary for services or delivery of product.

A purchase order can only be authorized by a BOE designated District representative.

There are several kinds of purchase orders: Itemized, Open, Contracted Services, Maintenance Agreements, Leases, Travel and Conference, Improvement (Construction, Repairs) etc.

3. Certain Technology Equipment and Supplies

School districts may procure by a detailed request for proposal (RFP) and competitive negotiation for computers, software, telecommunications equipment, microwave equipment, and other related electronic equipment and apparatus provided that the contracts are not for construction or for the procurement of any product that is available in substantial quantities to the general public.

Published notice is required. In the context of technology bids, there may be a tendency to overlook the newspaper publication requirement, especially given that FCC Forms are posted on the USAC website and school districts often publish RFPs on their own websites. However, failure to follow California public bidding requirements, including newspaper publication, can serve as grounds for a bid protest and/or forfeiture of any eRate funding received for the contract.

The RFP must identify all significant evaluation factors and their relative importance. In addition to price, evaluation factors may include vendor financing, performance reliability, standardization, life-cycle costs, delivery timetables, support logistics, the broadest possible range of competing products and materials available, fitness of purchase, manufacturer's warranties, and similar factors. Procedures for technical evaluation of proposals must be in place. If award is not to the lowest priced bidder, the District "shall make a finding setting forth the

basis for the award.” PCC section 20118.1 provides for an award to any of three lowest responsible bidders for data processing systems and supporting software.

The only manner in which it may be determined which of the bidders are the three lowest is if the bidders have responded to and agreed to meet the same bid specifications. When the District desires the flexibility to award to one of the three lowest responsible bidders, it must advise bidders of that flexibility in the bid documents and should refer to PCC section 20118.1.

4. Professional Services

The District may contract with and employ any persons for special services and advice in financial, economic, accounting, engineering, legal or administrative matters if such persons are specially trained, experienced and competent to perform the special services required without competitive solicitation. These types of consultants may be selected through a competitive solicitation process as laid out below. For consultants on projects that will be wholly or partially funded by the State, a competitive solicitation process is required.

a. Professional Services over \$50,000

For the District, best practices dictate that professional services, not wholly or partially funded by the state, which will result in an agreement for more than \$50,000, shall be procured through a competitive process unless the BOE authorizes procurement of the services without a competitive process. The competitive process will be structured to choose competent professional firms or any other consultants to provide services for the District.

A selection committee, which is spearheaded by the Bond Program Management team, may include board members, the Executive Director of Construction Services, and the Assistant Superintendent of Business Services. The committee will evaluate the information, interview the shortlisted candidates, select the best qualified professional services firms/consultants for projects and recommend those most qualified professional services firms/consultants to the BOE to receive the contract award. In certain cases where the scope of services is limited, an interview process may not be considered necessary. The BOE may accept or reject the committee's recommendation.

Step 1: Preparation of A Request for Qualifications (RFQ)

An RFQ invites professional firms, vendors, or consultants interested in competing for the services to respond to the District’s inquiry for services.

The RFQ follows a set format to request a statement of qualifications (SOQ) for professional firms/consultants to provide services for K-12 projects. The particular RFQ will be edited for the specific work scope solicited.

The RFQ includes dates and a schedule that will be met throughout this phase of the selection process. It will also include a reference number obtained from the Purchasing Department.

Step 2: Posting of the RFQ

The RFQ will be posted on the District website. In addition, the Bond Program Management team will notify potential consultants that the RFQ is available. The RFQ may be advertised in a newspaper of general circulation at the option of the Bond Program Management team. Any questions received and the answers will be posted on the District website. Any addendum needed to the RFQ will be posted on the website.

Step 3: Submission of Statements of Qualifications (SOQ)

The professional services firms/consultants must submit their qualifications by the deadline contained in the RFQ. The District reserves the right to refuse any SOQs that are submitted after the deadline. The Bond Program Management team will receive and log in all documents.

Step 4: Formation of a Selection Committee

A selection committee headed by the Bond Program Management team, which may include Board members, representatives from the CBOC, Executive Director of Construction Services, and the Assistant Superintendent Business Services, will be created.

The Bond Program Management team will notify the committee members of their selection and the schedule for the interviews.

The Bond Program Management team will prepare a rating spreadsheet in order to evaluate the qualifications submissions.

Step 5: Shortlisting of the Most Qualified Firms

Upon receipt of the SOQs, the selection committee will screen the SOQs to determine which firms are the most qualified and to determine a shortlist of which will be interviewed for the project. The shortlist should be a minimum of three, if possible, of the most qualified firms/vendors/consultants based on the requirements outlined in the RFQ.

The Committee will review the SOQs and rate the respondents based on the following selection criteria:

- Experience with the specific service being requested in modernization, renovation and structural upgrade projects
- Experience with the DSA, if relevant
- Understanding of the scope of work, possible problems and solutions
- Management methodology to accomplish project
- Financial data and ability to meet insurance requirements.

After the shortlist of the professional services firms/consultants is developed, the Bond Program Management team will notify the shortlisted firms by phone and mail or e-mail that they have been invited to interview. The professional services firms/consultants not receiving an invitation will be sent a letter or an e-mail notification of their status. If an interview process is deemed unnecessary, the most qualified firm will be determined, and the process jumps to step 7.

Step 6: Interviews (If Required)

In this step, the Selection Committee interviews the shortlisted professional services firms, vendors, or consultants and creates a ranked list of the most qualified firms to do the work. The Bond Program Management team will arrange the interviews.

The Selection Committee will interview each of the firms for 30 to 60 minutes. At the end of the interview process of all of the firms, a formal scoring and discussion will take place to determine the ranked list.

Step 7: Letter of Intent

The Bond Program Management team will prepare and issue, through the Executive Director of Construction Services, letter(s) of Intent to Award a Contract to the intended firm(s) for selection by the District and Letter(s) of Regret to the remaining unsuccessful firm(s). Letters of Intent shall include the Board Meeting dates, time and location including weblink if available.

Step 8: Board of Education Approval

The Bond Program Management team will prepare an agenda item requesting the BOE to approve the firm(s) determined by the Selection Committee to be the most qualified.

Step 9: Notice of Award

The Bond Program Management team will prepare and issue Notice(s) of Award through the Executive Director – Construction Services. The letter(s) shall outline all required documents to be executed and submitted within 5 days of receipt of the notice.

If the qualification process results in only one qualified firm, this will be the entire process. When a pool of consultants exists, proceed to Steps 10 – 12.

Step 10: Requests for Proposals

The professional services firms/consultants approved in step 8 will submit a fee proposal based on their understanding of the scope of work. The Bond Program Management team will review the draft proposal and fee and make suggestions that will be given back to the professional firm. There may be several iterations of this step. The result will be a proposal that is balanced and appropriate for the proposed scope.

In the event a fee cannot be negotiated, the Bond Program Management team has the option of terminating negotiations and starting negotiations with the second most qualified firm. The District can move to the third most qualified firm if negotiations fail with the second.

Step 11: Board Approval

Once a proposal has been accepted by the Bond Program Management team, an agreement based on the proposal is prepared and sent to the professional services firm/consultant for signature. The signed agreement is then submitted to the BOE for approval. After approval by the BOE, the Superintendent signs the agreement. A fully executed copy of the agreement is sent to the professional services firm/consultant. Performance of the services is then scheduled with the Bond Program Management team.

Step 12: Issue and Commencement

Prior to commencement of any services, the consultant shall provide all insurance documents. Once received, services will be scheduled with the Bond Program Management team.

b. Professional Services Under \$50,000

For services under \$50,000, utilizing a competitive solicitation process Request for Qualifications (RFQ) or Request for Proposals (RFP) is optional at the discretion of the Bond Program Management team. If an RFQ/RFP is not utilized, efforts made to ensure the best value for the District should be documented in the project file and the activity logged into the consolidated bid and procurement checklist and activity report. By approving this Manual, the BOE delegates authority to the Superintendent or designee to negotiate and execute consultant agreements for ongoing and anticipated school construction, modernization, and maintenance projects up to \$50,000. Such agreements will then be ratified by the BOE. For professional services above \$50,000, the BOE shall approve the agreements prior to services being rendered.

The Superintendent is authorized to approve amendments up to ten percent of the original agreement amount for each amendment. Such amendments would then be ratified by the BOE. An amendment exceeding ten percent of the original contract price shall be approved by the BOE prior to services being rendered.

C. PROJECT DELIVERY METHODS MOST OFTEN USED IN THE DISTRICT⁶

Construction projects in the public works sector are procured and constructed using various delivery methods. The decision to use a specific method depends on numerous project factors: the complexity of the work, dollar value, fund sources, project phasing, completeness of the design, willingness of the District to take on risk, and time constraints. The decision to proceed with a specific method must be determined in the early phases of a project. Delayed decisions on the delivery method can hamper the design process, ultimately leading to cost overruns and schedule delays. The most common delivery methods used by the District are traditional design-bid-build, CM Multiple-Prime and lease-leaseback.

1. Design-Bid-Build

Design-Bid-Build (DBB) is the traditional construction delivery method and most common method of public works construction, in which the District accepts competitive bids from contractors based on a completed design of the project. The DBB model separates design and construction responsibilities by awarding them to an architect and/or engineer (A/E) and a general contractor (GC). By doing so, DBB separates the delivery process into three phases: design phase, bid and award phase, and construction phase.

During the design phase, the District awards a design contract to an architect. The architect is responsible for completing a final project design and providing detailed construction drawings, specifications and supporting documents.

In the bid and award phase, General contractors (GC) are invited to submit competitive, lump-sum bids, and the District awards the construction contract to the GC submitting the lowest responsive, responsible bid for a lump sum price. The project then moves into the construction phase.

During the construction phase, the District monitors the GC's performance by hiring inspectors of record and usually retains the architect or a construction manager to provide construction administration.

2. Construction Management Multi-Prime

The Construction Management Multi-Prime (CM-MP) delivery method is bid out similar to the Design-Bid-Build method, but with individual trade bid packages for trade contractors, not a general contractor. Rather than subcontractors bid and selected by the general contractor, each package of trades is bid by the district, assisted by the construction manager. This delivery method significantly changes the trade contractors' relationship with the district by having them contract directly with the district rather than with a general contractor. It also eliminates the cost of overhead and profit from a single prime contractor. The construction manager will prepare bid package summaries for all trades and the coordination of all of the bid packages required to build

⁶ ACCM Project Delivery Handbook, A Guide to California School and Community College Facility Delivery
Link: <http://www.accm.com/documents/ACCMProjectDeliveryHandbook-2022Edition.pdf>

the project. The number of trades and bid packages can vary by project scope and size. The trade bid packages are publicly bid pursuant to the public works low-bid selection process. Then the construction manager manages the contracts of each trade. The on-site construction manager replaces the general contractor's role during construction by providing scheduling, supervision, change order negotiations, and other activities required to build the project. This method allows the district to select the on-site management services by qualifications, rather than low-bid, while using the low-bid process for selecting prime contractors. This delivery method allows a district flexibility to let approved design for early stages of construction out for bid before the design for the entire project is complete, thus "fast tracking" the construction.

3. Lease-Leaseback

The Lease-Leaseback (LLB) delivery method uses an organization, now referred to as the Entity, to develop a new building or improve buildings on property the district owns.

Under California law, a school district may use the lease-leaseback construction delivery method to construct a building or buildings on property owned by the district pursuant to a lease of the land to a contractor for a set term to allow for project construction. (California Education Code (CEC) § 17400 et seq.) Beginning on Jan. 1, 2017, lease-leaseback became subject to new statutory procedures, which include creating internal procedures for districts to select contractors based on a request for proposal process that uses "best value" criteria. With these detailed new procedures, lease-leaseback remains a viable construction delivery method that allows the consideration of factors in addition to price, such as experience, safety record, and performance.

The new lease-leaseback laws created under CEC § 17406 specifically allow schools to enter into agreements before plan approval by the Division of the State Architect, thereby allowing preconstruction services to be built into the lease-leaseback agreement itself. The law permits development of a final guaranteed maximum price (GMP) based on objectively verifiable information after the parties enter into the lease-leaseback contract, and after the parties have had an opportunity to perform traditional preconstruction activities. This may reduce concerns about conflicts of interest raised in prior court decisions where contractors performed preconstruction services before being awarded the lease-leaseback contract. (See California Taxpayers Action Network v. Taber Construction, Inc., 42 Cal.App.5th 824.)

Additionally, the California legislature has also adopted new laws for all lease-leaseback projects to use a skilled and trained workforce and to prequalify all contractors and certain mechanical, engineering, and plumbing subcontractors, per CEC §§ 17406 and 17407.5.

These laws are generally seen as efforts to increase competition and the quality of work, while also providing clarity in the wake of legal cases challenging the validity of the lease-leaseback method.

Section 8

CONSTRUCTION ADMINISTRATION

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- B. CONSTRUCTION ADMINISTRATION TEAM**
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- 4. Allowances**
- 5. Labor and Materials Separation**

A. INTRODUCTION

Projects must start and be maintained in a professional and orderly fashion. Construction administration ensures that projects are run in compliance with District, code, and agency requirements. Once the construction contract is awarded, the Bond Management project team provides guidance regarding continued compliance throughout the project duration. Construction administration includes maintaining the integrity of the schedule, cost, and updates to the contract documents while tracking and reporting on the status of each element with the potential for impact to mitigate claims.

B. CONSTRUCTION ADMINISTRATION TEAM

1. Bond Project Manager

In the Construction Administration process, the Bond Project Manager (Project Manager) is the designated representative of the District and has primary responsibility for communicating with the Contractor(s). The Project Manager will handle all matters relating to the contract within the limitations set forth in this manual and the contract documents. The Project Manager works with the Contractor in a professional, cooperative, and business-like manner. Absolute integrity is maintained. Fraternization with the Contractor's staff is discouraged. The acceptance of gifts or favors from Contractors is forbidden. All contact will be made with the authorized representatives of the Contractor, and not with subcontractors or vendors. The Project Manager will not give direction to subcontractors. The Project Manager:

- Assures that the contract is administered in a fair and equitable manner and all contractual actions are accurately and completely documented.
- Acts as liaison with the Board of Education, site staff and other district departments.
- Acts as liaison with the DSA Field Engineer, utility companies, public agencies, and other governmental authorities whose facilities are affected by the project.
- Assures that the Design Professional and IOR document the Contractor's work for compliance with the plans, specifications, and contractual provisions for the project.
- Updates project progress reports for the BOE, CBOC, and other stakeholders, as needed.
- Monitors, reviews, approves, and tests as required by the specifications and contract documents.
- Provides guidance to the Design Professional in the interpretation of the contract drawings and specifications when clarification of the Owner's intent is needed.
- Assures that the IOR and Design Professional reject work which is not within contractual quality, or which otherwise fails to meet other contract requirements.
- Stops work when imminent danger to personal safety or property is identified.
- Reviews and approves contractor Applications for Payment and forwards to the Bond Program Manager, Executive Director – Construction Services and the Assistant Superintendent – Business Services for signature.
- Reviews Change Order Requests, negotiates change, and recommends approval when appropriate to the BOE.
- Administers the District's interest and requirements with DSA using DSAbbox.

2. Design Professional

The design professional of record or designee is the primary contact for the design firm and will be responsible for the duties outlined in the design consultant contract. Typically, this role is fulfilled by the architect or an engineer.

3. Division of the State Architect (DSA)

DSA provides construction oversight for all public K-12 school facilities in the state. DSA ensures all public school construction complies with the state building codes and provisions of the Field Act. The Field Act contains additional building requirements specifically for public school construction, including:

- Superior structural provisions for seismic safety.
- Drawings and specifications must be prepared by licensed design professionals.
- Continuous construction project oversight by inspectors certified and approved by the DSA.
- Required verified reports from the project inspector, the design professional, and contractors.

School facility project plans must be approved by DSA before a school district can enter into a construction contract and before a school district can submit an application for funding from the State Allocation Board (SAB). DSA's approval process consists of three phases: Plan Review, Construction Oversight, Closeout and Certification.

a. Plan Review

Once plans are submitted, DSA conducts a code compliance review for:

- Structural Safety
- Fire and Life Safety
- Accessibility
- Energy Efficiency (if high performance funding is requested).

b. Construction Oversight

After plans are approved, the design professional or proposed inspector notifies DSA of the start of construction. DSA reviews the qualifications and approves the proposed project inspector. Visits to the construction site are scheduled by DSA field staff, who report on the construction and performance of the project inspector to verify compliance with the approved project plans and specifications. During site visits, DSA staff work closely with the project inspector to assure that the intent of the plans and specifications are achieved and that all required approvals are properly administered by the design professional. DSA field staff review and approve all construction change documents, review all inspector and laboratory reports and make recommendations regarding the closeout and certification of construction. DSA also has authority to stop any construction in violation of building code. DSA staff work closely with the design professional to achieve code compliance and to administer construction certification.

During the construction phase, many administrative and technical documents are generated and submitted to the DSA, and are uploaded to the DSA box by certain stakeholders. These can be found enumerated in the DSA 152 manual:

- DSA-5: Inspector Qualification form
- DSA-102: Contract Information form
- Addenda, deferred approvals, and revisions
- Inspector's semi-monthly reports
- Construction deviation notices
- Lab test reports
- Special inspection reports
- CCDs (Construction Change Documents)
- Correspondence

(1) The Project Inspector

As referenced in Section IV, the Project Inspector is responsible for DSA compliance of the project through daily inspections, oversight of materials testing, and coordination with special inspectors. The procedure for the Inspector of Record (IOR) is outlined in DSA for PR 13-01¹: Construction Oversight Process. This form outlines the responsibilities and procedures of DSA during the construction process.

(2) DSA Accepted Project Labs:

The testing lab for the project must have DSA acceptance through DSA's Laboratory Evaluation and Acceptance Program² prior to providing material testing or special inspection services on public school or essential services building construction projects under DSA jurisdiction. A laboratory is typically accepted into the Laboratory Evaluation and Acceptance Program for a four-year period, unless the acceptance is withdrawn for failure to continue to meet the requirements of the currently effective California Building Code, Title 24, Part 1, Sections 4-335, 4-335.1 and 4-336.

(3) DSAbbox

DSAbbox is a secure cloud based collaborative solution initiated by the Division of the State Architect (DSA) to allow greater transparency and communication between DSA field engineers and designated stakeholders. DSA box allows DSA to set folder permissions to document folders, versioning control, 24/7 mobile and desktop access, and internal enterprise reporting for all documents submitted.

DSA box allows internal and external stakeholders to share, view and collaborate in real time in one location on the web³. Forms which historically were mailed, processed and filed in a cabinet can now be posted online in a matter of seconds, providing significant

¹ DSA PR 13-01 Procedure: Construction Oversight Process (see Appendix E)

² DSA 100-PRE: General Instructions for Applying to the DSA Lab Evaluation and Acceptance Program (see Appendix E)

³ Access to DSAbbox Information & Instructions can be found at
<https://dsabox.app.box.com/s/cddhjymdms4v9vtc6ft5/folder/1111639287>

savings in both time and money. In addition, the ability to access the document is immediate and online, as compared to being stored in a location which was historically inaccessible to external stakeholders.

All members of the construction team will use the DSA box for DSA required documents and job cards, known as the “DSA 152 Card.” Note: until the District/A&E and IOR are issued this card, the project cannot be ‘started’, and is at risk for a “Stop Work Order.”

c. Closeout and Certification

Project closeout is the process that DSA uses to determine that the constructed project complies with the codes and regulations governing school construction. Project closeout consists of an examination of specific project files for documents required to be submitted before, during and after construction, and to determine if outstanding issues have been resolved. After the file is examined, the project file is closed either with certification or without certification.

Project certification is a letter issued by DSA certifying that the building project has been completed in accordance with the requirements as to the safety of design and construction pursuant to Education Code Sections 17280-17316 and 81130-81147.

C. MOBILIZING THE PROJECT

Mobilization means “to make ready” by reviewing and bringing together the factors of the construction project, e.g., contract documents, bid package and anticipated construction methodology as well as field staffing, in order to put into motion a well-organized plan of action.

1. Procore Project Set Up

Use the Project Creation Assistant to add a new project. Following are the steps:

- a.** Launch the Project Creation Assistant
- b.** Add Project Details
- c.** Add and Remove Tools in the Project Toolbox
- d.** Add Project Cost Codes
- e.** Update Directory
- f.** Upload Drawings
- g.** Upload Specifications
- h.** Upload Schedule

Launch the Project Creation Assistant

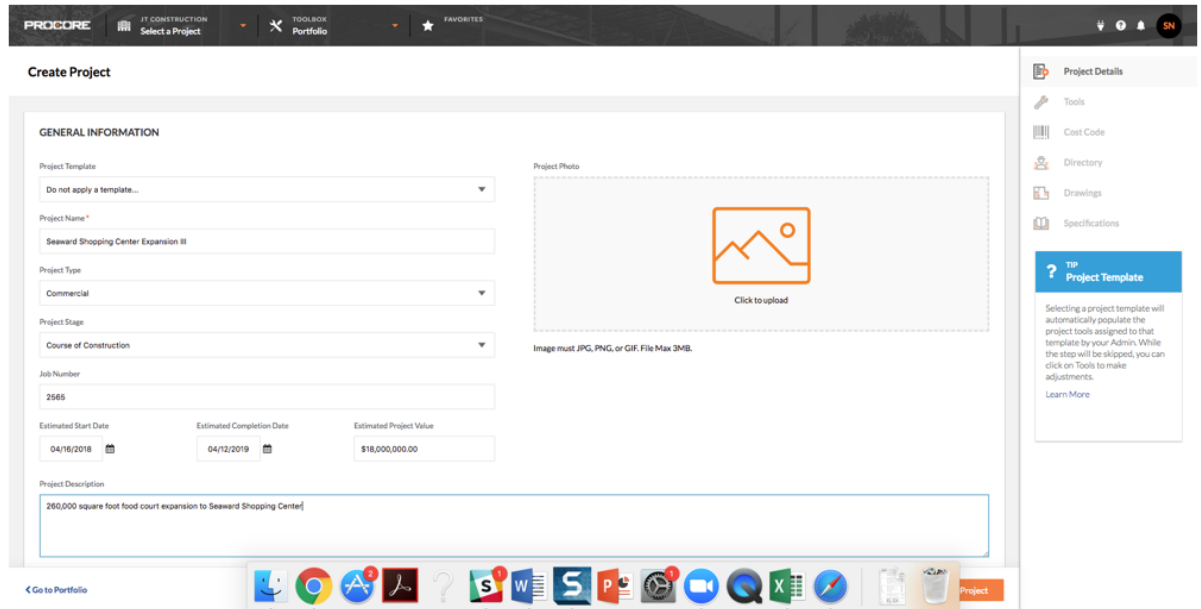
1. Navigate to the company's **Portfolio** tool.
This reveals the Portfolio page.
2. Click **Create Project**.



This launches the Project Creation Assistant.

Add Project Details

1. Make sure **Project Details** is highlighted in the right sidebar.
2. Under **General Information**, do the following:



The screenshot shows the 'Create Project' interface. The top navigation bar includes 'PROCORE', 'FT CONSTRUCTION Select a Project', 'TOOLBOX Portfolio', and 'FAVORITES'. The right sidebar is titled 'Project Details' and contains links for 'Tools', 'Cost Code', 'Directory', 'Drawings', and 'Specifications'. A 'TIP Project Template' box on the right explains that selecting a template will automatically populate project tools assigned to that template by the Admin, and that while the step will be skipped, users can click on 'Tools' to make adjustments. The main form area is titled 'GENERAL INFORMATION' and includes the following fields:

- Project Template:** A dropdown menu with the option 'Do not apply a template...'.
- Project Name:** A text field containing 'Seaward Shopping Center Expansion III'.
- Project Type:** A dropdown menu with the option 'Commercial'.
- Project Stage:** A dropdown menu with the option 'Course of Construction'.
- Job Number:** A text field containing '2565'.
- Estimated Start Date:** A date field containing '04/16/2018'.
- Estimated Completion Date:** A date field containing '04/12/2019'.
- Estimated Project Value:** A text field containing '\$18,000,000.00'.
- Project Description:** A text area containing '260,000 square foot food court expansion to Seaward Shopping Center'.

There is also a 'Project Photo' section with a 'Click to upload' button and a note: 'Image must be JPG, PNG, or GIF. File Max 3MB.' The bottom of the screen shows a Windows taskbar with various application icons.

Received by the BHUSD Board of Education
September 26, 2023

- a. **Project Template.** Choose a project template from the list or choose 'Do Not Apply a Template'.
Notes:
 - This field is only visible and available when the project templates feature is enabled on your company's Procore account.
 - To select a template from the list, the desired project template must be active. See [Configure a Project Template](#).
- b. **Project Name.** Enter the project name. This is the street address or construction project name. It displays in a variety of places in the Procore web application, including the Select a Project menu, CSV and PDF exports, and custom reports.
- c. **Project Photo.** Click the photo area and then upload the photo that you want appear as the project photo on the project's Home page. The image must not exceed the 3MB maximum. It must also be saved in the GIF, JPG, or PNG file format. To change this photo at a later time, see [Add or Edit General Project Information](#) or [Add a Project Photo](#).
- d. **Project Type.** Select a project type from the drop-down list. These selections are created with the company's Admin tool. See [Add a Custom Project Type](#).
- e. **Project Stage.** Select a project stage from the list. Depending on your selection, additional Procore features may be enabled (e.g., if you select the *Bidding* stage, the project's Bidding tool will be enabled in Procore). These selections are created with the company's Admin tool. See [Add Custom Project Stages to Your Company](#).
- f. **Job Number.** Enter a unique project ID or number to differentiate it from other company projects.
- g. **Estimated Start Date.** Select the project's anticipated start date. Later, you can compare this date with the 'Actual Start Date.' *Note:* The 'Actual Start Date' field will inherit the 'Estimated Start Date' value that you enter here, unless you upload a project schedule. See [Upload a Project Schedule File to Procore's Web Application](#) or [Integrate a Microsoft Project Schedule using Procore Drive](#).
- h. **Estimated End Date.** Select the anticipated project completion date. Once the project has begun, you can compare this field against the actual finish date.
- i. **Project Description.** Enter a brief project summary.
- j. **Estimated Project Value.** Enter the anticipated project value upon completion. Enter a value to the nearest whole number. For example, if your project's estimated value is \$18 million dollars, enter \$18,000,000.00 in the box.

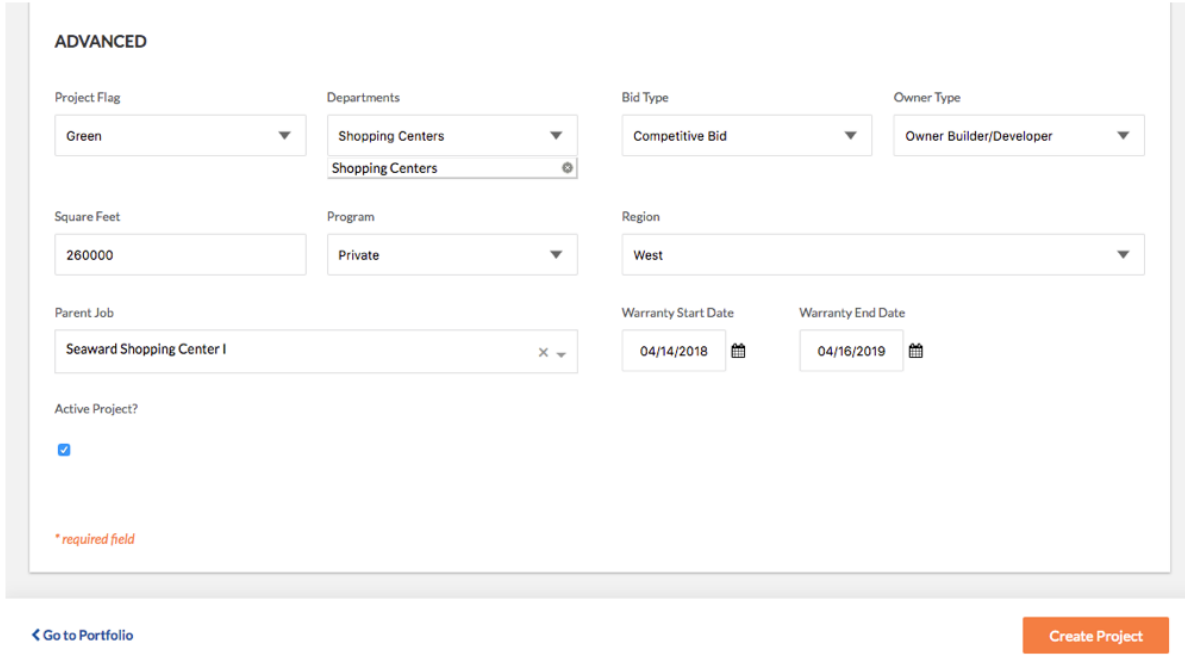
3. Under **Account and Contact**, do the following:

ACCOUNT AND CONTACT

<p>Office</p> <div>Headquarters ▼</div>	<p>Project Address</p> <div>955 S Seaward Ave</div>		
<p>Country</p> <div>United States</div>	<p>State</p> <div>California</div>		
<p>City</p> <div>Ventura</div>	<p>ZIP</p> <div>93001</div>		
<p>Timezone</p> <div>(GMT-08:00) Pacific Time (US & Canada) ▼</div>	<table border="0"> <tr> <td style="vertical-align: top;"> <p>Job Phone</p> <div>(805) 555-0000</div> </td> <td style="vertical-align: top;"> <p>Job Fax</p> <div>(805) 555-0001</div> </td> </tr> </table>	<p>Job Phone</p> <div>(805) 555-0000</div>	<p>Job Fax</p> <div>(805) 555-0001</div>
<p>Job Phone</p> <div>(805) 555-0000</div>	<p>Job Fax</p> <div>(805) 555-0001</div>		

- a. **Office.** Choose the office that is managing this project. These selections are created in the company's Admin tool. See [Add an Office Location](#).
- b. **Project Address.** Enter the job site's physical address.
Notes:
 - If your company's is using the Procore+ Sage 300 CRE integration, do NOT enter commas (,) in the Project Address field.
 - Procore's 'Project Address' and 'ZIP' fields are integrated with third-party services:
 - Dark Sky ([Dark Sky](#)). This service permits the display of 'Project Weather' information on the Procore project's Home page, as well as under the 'Observed Weather Conditions' information in the project's Daily Log Tool.
 - Procore also uses a third-party service to automatically determine the County name. Since this is auto-determined, there is no data-entry for County in the Create New Project page. To change the County value, see [Add or Edit General Project Information](#).
 - If you experience any issues with a third-party weather service, see [Why isn't my project weather working?](#) and [Why are the weather conditions not showing on my Daily Log weather log?](#)
- c. **Country.** Select the country from the drop-down list.
- State.** Select the state from the drop-down list.
- d. **City.** Enter the full city name. *Note:* Do NOT abbreviate the city name.
- e. **ZIP.** Enter the ZIP/postal code.
- f. **Timezone.** Choose the correct time zone for the project. This time zone will determine time stamps on items in the project.
- g. **Job Phone.** Enter in the main contact phone number of the job site. Team members will be able to see this phone number and use it if desired.
- h. **Job Fax.** Enter the onsite fax number here (if available). This gives team members the ability to see and use the project's fax number when needed.

4. Under **Advanced**, do the following:



ADVANCED

Project Flag: Green

Departments: Shopping Centers

Bid Type: Competitive Bid

Owner Type: Owner Builder/Developer

Square Feet: 260000

Program: Private

Region: West

Parent Job: Seaward Shopping Center I

Warranty Start Date: 04/14/2018

Warranty End Date: 04/16/2019

Active Project? ☒

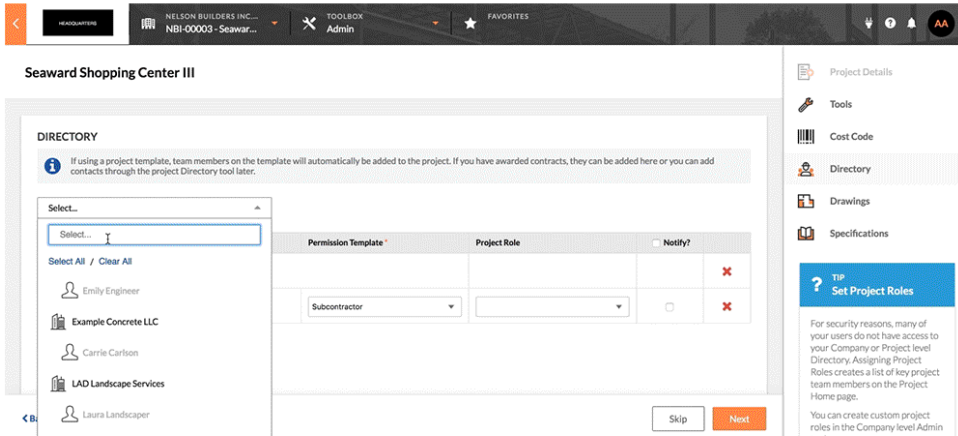
** required field*

[Go to Portfolio](#) [Create Project](#)

- Project Flag.** Select a color for the project flag from the drop-down list. The system's default color selections are: RED, YELLOW, and GREEN. This lets you visually organize your projects (e.g., you might want to flag internal projects as RED and commercial projects as GREEN).
 - Departments.** Select one or more departments who have responsibility for the project. These departments appear in the Timecard and Directory tool, and may also appear in other Procore tools depending on your company's specific configuration. These selections are created with the company's Admin tool. See [Custom Company Projects](#).
 - Bid Type.** Select the bid type from the list. These selections are created with the company's Admin tool. See [Add a Custom Bid Type](#).
 - Owner.** Select the owner type from the list. These selections are created with the company's Admin tool. See [Add a Custom Owner Type](#).
 - Square Feet.** Enter the project's square footage.
 - Program.** Select the program under which to classify your project. You can view your projects by program with the Programs tool. These selections are created with the company's Admin tool. See [Create Company Programs](#).
 - Region.** Select the region into which you want to classify your project. You can view projects by program with the Portfolio tool. These selections are created with the company's Admin tool. See [Add Project Regions](#).
 - Parent Job.** Select the name of the parent project in Procore from the list. In Procore, a *parent job* is a Procore project that has been designated as the 'parent' project for one or more related project(s) in Procore's Portfolio tool. To learn more, see [What's the difference between a job, a parent job, and a sub job?](#)
 - Warranty Start Date.** Select the start date for the construction [contract warranty](#).
 - Warranty End Date.** Select the end date for the construction contract warranty.
 - Active Project?** Place a checkmark in this box to classify the project as *Active* (recommended) or clear the checkmark from the box to classify it as *Inactive*.
- Click **Create Project**.
This button turns GREY and becomes unavailable for further use.
 - Choose from these next steps:
 - If you applied a project template and the template defines the desired project tools, you will skip to [Add Project Cost Codes](#).
 - If you did not apply a project template or your template does not define the desired project tools, you will continue with [Add and Remove Tools in the Project Toolbox](#).

Update Directory

1. Make sure **Directory** is highlighted in the right sidebar.
This reveals the Directory page.



Seaward Shopping Center III

DIRECTORY

If using a project template, team members on the template will automatically be added to the project. If you have awarded contracts, they can be added here or you can add contacts through the project Directory tool later.

Select...

Select All / Clear All

- Emily Engineer
- Example Concrete LLC
- Carrie Carlson
- LAD Landscape Services
- Laura Landscaper

Permission Template	Project Role	Notify?
Subcontractor		<input type="checkbox"/>

Skip Next

TIP Set Project Roles

For security reasons, many of your users do not have access to your Company or Project level Directory. Assigning Project Roles creates a list of key project team members on the Project Home page.

You can create custom project roles in the Company level Admin...

2. Add contacts and companies from the Company Directory to your Project Directory as follows:
 - a. If your project is based on an existing project template, you can add all of the companies and employees for those companies by clicking **Select All**.
 - b. To add a company from Procore's Company Directory and all of that company's employees, begin typing the company name. When the system finds the appropriate match, select the company from the list. This adds both the company and people to the Project Directory.
 - c. To add a person, begin typing the person's name. When the system finds the appropriate match, select that person from the list:

Notes:

 - If you want to remove a company or a person, click the RED 'x'.
 - If you want to remove all company or people, click **Clear All**.
3. For each person that you've selected to add, do the following:
 - a. **Permission Template.** Select the desired permission template from the list or choose 'Apply a Template Later.' **Important!** This is a required setting for all of the users that you intend to add. To learn how the selections in this list are created, see [Manage Permission Templates](#).
 - b. **Project Role.** Select the project role for the user. The selection you make here will list the person for each selected role on the project's Home page. To learn how the selections in this list are created, see [Add a Custom Project Role](#).
4. Click **Next**.
A GREEN banner appears at the top of the page to confirm the number of companies and people added.

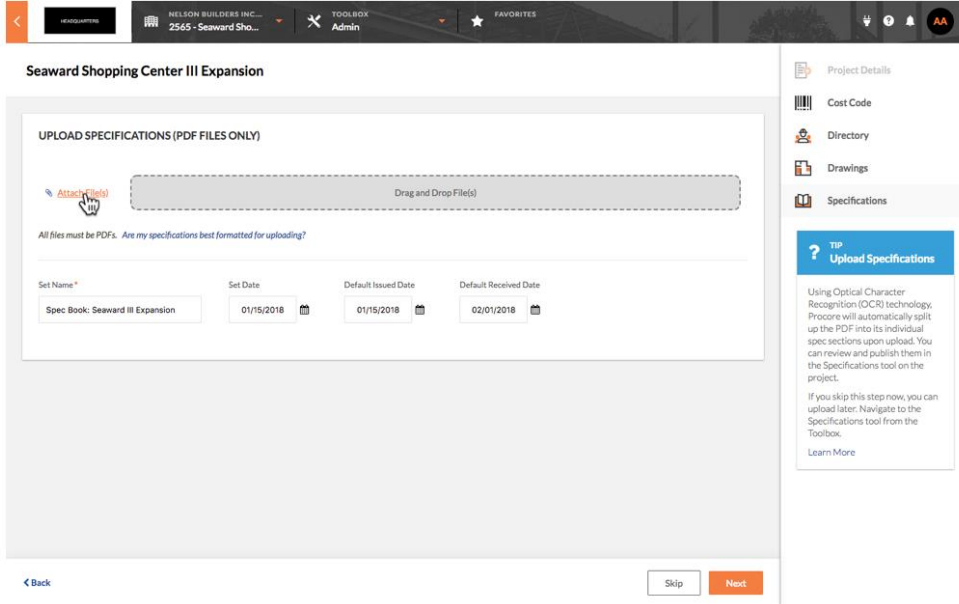
Upload Drawings

1. Make sure **Drawings** is highlighted in the right sidebar.
This reveals the Upload New Drawings (PDF Files Only) page.
2. Do the following:

- To learn how to format drawings before uploading them to a project, see [How can I improve the accuracy of OCR on my drawings?](#)
- To skip this step and upload your project's drawing(s) at a later time, click **Skip**. When you are ready to upload your drawings, see [Upload Drawings](#).
 - a. **Attach File(s)**. Click this button to choose from these options: *Upload a file from your computer*, *Select a file from Procore*, or if you have enabled the Box integration, *Select a file from Box*.
OR
 - b. **Drag and Drop File(s)**. Use a drag-and-drop operation to move files from your computer or network to this area on the page.
 - c. **Set Name**. Enter a name for the drawing set.
 - d. **Set Date**. Select a date for the drawing set using the calendar control.
 - e. **Default Drawing Date**. Select a date for the drawing(s) using the calendar control.
 - f. **Default Received Date**. Select the received date for the drawing(s) using the calendar control.
- 3. Click **Next**.
The system processes the drawings in the background.
Note: You do NOT need to wait for the upload to complete. When finished, the system sends you an automated email notification with the subject line, "Drawing Upload Complete."
To learn how to review and publish your drawings, see [Review Drawings](#) and then [Publish Drawings](#).

Upload Specifications

1. Make sure **Specifications** is highlighted in the right sidebar.
The **Upload Specifications (PDF Files Only)** page appears.
Note: If you want to skip this step and upload a specification at a later time, click **Skip**. This closes the Project Creation Assistant. When you are ready to upload your specifications at a later time, see [Upload Specifications](#).
2. Do the following:



Notes:

- To learn how to format specifications before uploading them to a project, see [How can I improve the accuracy of Specification Section Identification?](#)
- Attach File(s).** Click this button to choose from these options: *Upload a file from your computer*, *Select a file from Procore*, or if you have enabled the Box integration, *Select a file from Box*.
OR
 - Drag and Drop File(s).** Use a drag-and-drop operation to move files from your computer or network to this area on the page.
 - Set Name.** Enter a name for the set.
 - Set Date.** Select a date for the set using the calendar control.
 - Default Issued Date.** Select a date for the file(s) using the calendar control.
 - Default Received Date.** Select the received date for the file(s) using the calendar control.
3. Click **Next**.
The system processes the specification upload.
Note: You do NOT need to wait for the upload to complete. When finished, the system sends you an automated email notification with the subject line, "Specification Upload Complete." To learn how to review and publish your specifications, see [Review and Publish Specifications](#).

2. Project File Hardcopy

Sequence of File Name: **Project Site – Project Name – Project Number**

Correspondence

Architect

Engineers/Designers Reports

Contract

Financial:

Change Order Log

Applications for Payment w SOV

Change Order 1, etc.

Estimate

PCOs

Negotiation Correspondence

DIR

DSA

Insurance

Issue 1 – Name, etc.

Logs/Registers

RFI

Submittals

Closeout

Meetings

Owner

Contractor

Special

Records Requests

Schedules

3. Initial Project Overview – FORM

After creating the Project file, an initial review of a new project is the first step in initiating Construction Project Administration. The review includes a status check of the following:

- Project Name
- Project Number
- Date of BoE Award
- Date of Notice to Proceed
- GC Project Manager & Assistant Project Manager and contact information
- Superintendent(s) and contact information
- Architect & Representative and contact information
- Engineers (Civil, Structural, Mechanical, Electrical, Plumbing) and contact information

CONTRACT DOCUMENTS:

- Plans with date and DSA Approval set date (if different)
- Specifications date and DSA Approval set date (if different)
- List of Bid Addendums documents with index list including dates
- Prime Contract documents with index list including dates

CONTRACT FINANCIAL SUMMARY Outline

Base Bid: \$ _____

Alternate: () \$ _____ (Add – Deduct) Total Alternates \$ _____

Alternate: () \$ _____ (Add – Deduct) Total Contract \$ _____

Alternate: () \$ _____ (Add – Deduct) Value \$ _____

Alternate: () \$ _____ (Add – Deduct)

Liquidated damages

List of additional Contract Documents for this project:

Unit Prices (YES) _____ (NO) _____

Subcontractor List (YES) _____ (NO) _____ with percentages of work (YES) _____ (NO) _____

Prevailing Wage Notice (YES) _____ (NO) _____

Date of DIR PWC-100 and Assigned Number

Payment Bond (YES) _____ (NO) _____

Performance Bond (YES) _____ (NO) _____

Due Date for CPM Schedule:

Contract Completion Time: _____ (W.D. or C.D.)

What is Completion date specified within contract documents? _____

How much time is allowed for contractor to commence work after notice to proceed is received? _____ (W.D. or C.D.).

Name of Testing Lab: _____

Is Laboratory selected by the Owner or Contractor? _____

If by Contractor, does it require approval by the Owner/Architect? (YES) _____ (NO) _____

Are permits required (YES) _____ (NO) _____, who is responsible to obtain and pay for the permit? _____

Number of samples required for submittal: _____

Where are As-built drawings being developed and maintained during the course of this project:

Owner: _____ Architect _____ Subcontractor _____

CHANGE ORDERS - What is the format for pricing change submissions?

Itemized breakdown: _____ Lump Sum _____ Unit Pricing _____

Is there an allowed mark-up for the subcontractors? (YES) _____ (NO) _____ %

DELAYS - Any delays to the project must be documented within _____ days of the occurrence by means of a time extension request.PAYMENTS - Progressive payments are based on the period of the _____th of each month to the _____th of the following month.

List allowances provided by the contract documents:

Item: _____ Amount: \$ _____

Item: _____ Amount: \$ _____

Item: _____ Amount: \$ _____

List contractor allowances required by the contract documents:

Item: _____ Amount: \$ _____

Item: _____ Amount: \$ _____

Item: _____ Amount: \$ _____

List district-furnished items or any separate prime contractors and their scope of work:

List all Contractor test and inspection requirements:

4. Test Inspections List

Attach a list of test inspections called out in the Specifications for this project to the Procore file.

D. SCHEDULES

1. **Contract Time.** Contractor shall perform and reach Substantial Completion within the time specified in the construction agreement. Moreover, the contractor shall proceed using a properly developed Master Baseline Schedule.
2. **Commencement Date.** The Project commencement date found in the Notice to Proceed for the Project in accordance with the agreement.
3. **Substantial Completion.** The stage in the progress of the work when all of the requirements of the contract are completed, except punch list items, and all deliverables have been submitted, except final warranties, guarantees, and record document submittals.
4. **Completion Date.** The date when all work for the project, including the correction or completion of any remaining punchlist items, must cease. Monies shall be assessed against the contractor for any incomplete punch list items or undelivered record documents, and a Notice of Completion can be issued.
5. **Schedule Definition.** A schedule is the contractor's view of the practical way in which the work will be accomplished. Contracts include a requirement for a Baseline Schedule and regular Schedule Updates that show all work to be completed during the Contract Time.

The contractor is responsible for preparing an ongoing, and periodically updated, Master Project Schedule for the Project Manager's review and acceptance showing major construction milestones, including but not limited to: start of construction, mobilization, demolition, abatement, site work, foundations, structure, mechanical/electrical/plumbing/fire sprinkler (MEPF) systems, building envelope, exterior finishes, interior finishes, landscaping/hardscaping, and Project Completion Date.

Contractor shall check requirements for the local city and county and confirm working hours and days, testing schedules at the District for days when work shall not occur, other critical days when work cannot occur, mitigation measures in the EIR that may affect the ability to Work on the Project. This review shall help the Contractor to build a working schedule for the Project.

Project Manager ensures the contractor also understands the length of the Project schedule and has incorporated an appropriate budget to include labor, material, and equipment escalation costs into the Gross Maximum Price (GMP).

The District will not accept any costs associated with these increases unless the nature of such increases could not have been adequately budgeted for as required above. The District shall not be responsible for reasonably expected market fluctuations in costs or labor rate increases during the Project. Contractor further has incorporated all cost increases in areas of work where there may be schedule variations so that cost increases are not passed through to the District.

6. Master Project Schedule (MPS). The MPS shall follow the Critical Path Method (CPM) and must include the following information:

Detailed work activities properly sequenced for trade coordination planning as needed to ensure that the Project can be completed within the allotted construction schedule. The Project Manager will review and ensure that the MPS includes:

- Detailed work activities properly sequenced for trade coordination
- Plans to ensure the Project can be completed within the allotted construction schedule
- Identification of long lead items
- Consideration for curing times (noted and identified)
- Defined procurement schedule requirements
- Defined submittal schedule requirement
- Timeline and schedule planning as necessary to ensure that the Project can be constructed within the allotted timeframe.

In the Master Project Schedule, Contractor shall coordinate and integrate Contractor's Services, the Architect's services, the construction of the Project, the District's responsibilities, inspection requirements, document review periods, and all other activities required for Project completion, highlighting critical and long-lead-time items.

Should the schedule for the construction of the Project be extended due to an added scope of work as directed by the District and approved by the Board or an extension of the schedule related to governmental agency approvals necessary for completion of the Project, the time for performance under this Agreement shall be extended and Contractor shall be compensated for this extension as mutually agreed by the parties.

7. Schedule Updates. Contractor shall update the schedule each month to address actual start dates and durations, percentages of completion for activities, actual completion dates, estimated remaining duration for the Work in progress, estimated start dates for work scheduled to start at future times and changes in duration of Work items.

8. Working Schedule – 6-Week Look Ahead. The six-week look ahead schedule is the working schedule used daily to track the on time status of a project. The schedule reviews one week back, and five weeks forward, broken down into trade scope/stage, by man load and performance time, in days. The Project Manager reviews and continues to approve the ongoing schedule, and then re-confirms that work hours planned are actual man hours performed.

Listing of Items Causing Delays. Schedule Updates shall provide a listing of activities which are causing delay in the progress of Work and a narrative shall be provided showing a description of problem areas, anticipated delays, and impacts on the Construction Schedule. Simply stating "District Delay" or "Architect Delay" shall be an inadequate listing.

The Design of the Look Ahead Schedule is a spreadsheet. The spreadsheet tracks the remaining duration of time for a work scope, the activity, and the dates (1 week back and 5 weeks

forward), noting weekends, holidays, and off days. Each cell notes the man load per day by trade/scope and columns tally the overall planned daily man load of the project.

9. Schedule – Additional Components. (See District Contract Specifications).

10. Submittals and Shop Drawing Schedules

Schedule Requirements for Submittals. Contractor shall obtain and shall submit all required Submittals (i.e., Shop Drawings, Deferred Approvals, Samples, etc.), in accordance with Contractor’s “Schedule for Submission of Shop Drawings and Samples.”

Consideration of Schedule. The Project Manager will ensure that the contractor has considered lead times, DSA or other agency governmental review times, Architect or Engineer review times, manufacturing seasons, and specific long lead procurement concerns for all submittals for the Project.

All Submittals for the Project, except those specifically agreed upon by District and Architect in writing, shall be specifically incorporated into the submittal section of the schedule so as not to delay the work. It is further noted that an agreement to allow a late submittal does NOT mean that the agreed upon submittal schedule is waived. The contractor shall order materials and ensure prices are honored and secured for the Project.

The Project Manager shall ensure that a Submittal shall not result in any increase in the Contract Price or extension of time for the completion of the Project.

Piecemeal Submissions of Submittals. Piecemeal Submittals mean providing portions of Shop Drawings or Submittals as they are being completed. The submission of piecemeal Submittals results in the appearance of a submission where there is inadequate information for the Architect or Engineer to perform a proper submission review. Piecemeal differs from submission of complete buildings or phases of buildings or complete assemblies. The Architect may agree to allow submission of single buildings or areas as long as the Submittals are complete.

E. TEMPORARY FACILITIES AND TRAILER SET UP

- Inspector’s Office
- Site Trailer
- Site vandalism and theft prevention, etc.
- Utilities
- Electrical
- Heaters
- A/C
- Phone
- Internet
- Drinking Water
- Safety/Security Systems
- First Aid

- Fire Extinguishers
- Storage/Laydown Area
- Sanitary Facilities
- Trash/Dumpsters/Cleanup
- Parking Areas
- Egress – Entrance/Exit
- Fencing
- Barricades/planking

F. CONSTRUCTION SITE BEST MANAGEMENT PRACTICES (BMPs)

The greatest water pollution threat from soil-disturbing activities is the introduction of sediment from the construction site into storm drain systems or natural receiving waters. Soil-disturbing activities such as clearing, grubbing, and earthwork increase the exposure of soils to wind, rain, and concentrated flows that cause erosion. A three-pronged approach is necessary to combat this storm water threat:

1. Temporary soil stabilization practices reduce erosion associated with disturbed soil areas (DSAs).
2. Temporary run-on control practices prevent storm water flows (sheet and concentrated) from contacting DSAs.
3. Temporary sediment control practices reduce sediment caused by erosion from entering a storm drain system or receiving water.

Soil stabilization BMPs reduce the erosive impact of rain on exposed soil. Run-on control practices reduce the erosive impacts by preventing storm water flows from contacting DSAs. Sediment control BMPs remove sediment from storm water by ponding and settling, and/or filtering prior to discharge offsite. It is imperative that soil stabilization and sediment control BMPs are implemented together to reduce the discharge of sediment from the construction site.

The following conditions on construction sites contribute to erosion caused by storm water flows:

- Larger areas of impermeable structures and surfaces reduce natural infiltration resulting in increased storm water flow volume and velocity.
- Changes to surface flow patterns cause storm water flows to be more erosive.
- Concentration of flows to areas that are not naturally subjected to such runoff volume increases erosion.

Proper management of a construction project minimizes or prevents soil erosion and sediment discharges. Good construction management for soil conservation requires an understanding of the following basic principles:

Soil Erosion Control – The first line of defense soil stabilization is a key component in the control of erosion. By stabilizing DSAs with covers or binders, the exposed soils are less likely to erode from the effects of wind or rain.

Prevent Storm Water Flows from Contacting DSAs – The second line of defense, another key component in the control of erosion, is the diversion of storm water flows around DSAs or the conveyance of flows through DSAs in a non-erosive manner.

Sediment Control – The last line of defense, storm water runoff, may originate from active or inactive DSAs, whether or not proper erosion and/or run-on controls have been implemented. Implementing proper sediment control BMPs can reduce sediment amounts in storm water discharges.

Combine Soil Erosion and Sediment Control – Effective Protection

An effective combination of soil erosion and sediment controls should be implemented to prevent sediment from leaving the site and/or entering a storm water drainage system or receiving water.

Soil stabilization and other erosion control BMPs are not 100 percent effective at preventing erosion. Sediment control BMPs alone are not 100 percent effective primarily due to their capacity limits. To be effective for storm water protection, the amount of sediment must be reduced at the source using soil erosion control BMPs, and then sediment control BMPs are used to further reduce the sediment that leaves the site or enters the storm drain system.

Inspection and Maintenance – To ensure protection for the duration of the project, inspection and maintenance are required for all BMPs to maintain effectiveness for reducing or eliminating the amount of sediment that leaves a site. The soil-disturbing nature of construction activities and the use of a wide range of construction materials and equipment are the sources of contaminants with the potential to pollute storm water discharges.

Common construction activities that increase the potential for polluting storm water with sediment include:

- Clearing and grubbing operations
- Demolition of existing structures
- Grading operations
- Soil importing and stockpiling operations
- Clear water diversions
- Landscaping operations
- Excavation operations

Common construction materials with the potential to contribute pollutants, other than sediment, to storm water include the following:

- Vehicle fluids, including oil, grease, petroleum, and coolants
- Asphalt concrete (AC) and Portland cement concrete (PCC) materials and wastes
- Joint seal materials and concrete curing compounds
- Paints, solvents, and thinners
- Wood products

- Metals and plated products
- Fertilizers, herbicides, and pesticides

Construction-related waste must also be managed to prevent its introduction into storm water. Typical waste on construction sites includes:

- Used vehicle fluids and batteries
- Wastewater from vehicle cleaning operations
- Green waste from vegetation removal
- Non-storm water from dewatering operations
- Trash from materials packaging, employee lunch/meal breaks, etc.
- Contaminated soils
- Slurries from sawing and grinding operations
- Wastewater/waste from concrete washout operations
- Hazardous materials waste
- Sanitary waste

G. CONTACTS WITH THE PUBLIC AND MEDIA

Most District projects will draw the interest and attention of the public. It is essential that the Project Manager conduct himself in a manner that will encourage the respect and confidence of the public. Questions by the public of a detailed nature, requests for public presentations, and items of a similar nature will be referred to the Assistant Superintendent – Business Services. Complaints by the public regarding any aspect of the contract will receive immediate attention. In the event the complaints continue, the matter will be pursued by the Project Manager until an adequate explanation can be provided.

H. CONCERNS AND COMPLAINTS

It is important to conduct construction operations in such a way as to obtain the cooperation and satisfaction of the public and the site. The Project Manager will ensure enforcement of contract requirements related to noise and other disturbances. Generally, concerns or complaints will be based upon the following types of occurrences:

- Noise
- Vibration
- Wet conditions
- Dusty conditions
- Obstructions
- Unsafe conditions
- Trash accumulation

In the event of a complaint, the Project Manager will respond to the complaint promptly, will work to address the issue, and will report the circumstance to the Assistant Superintendent – Business Services.

I. PHOTOGRAPHS AND VIDEO RECORDINGS

The Project Manager will obtain adequate photographic and/or video records of the progress of each project. The photographs and video recordings will be dated, properly identified, and filed. Photographs and video shall not include the faces of any student without the written permission of the student's parent or guardian. Any photos or videos that contain students must be reviewed and approved by the Superintendent prior to any public use or posting on the internet.

J. COMMUNICATIONS

To the greatest extent possible, communications should be generated within Procore. Communications not generated within Procore (such as email) shall be uploaded into Procore. Hard copy communication or documents, including handwritten documents, shall be loaded into Procore.

All communications between construction team members shall be copied to Bond Program Management.

All inspection requests and communications will be directed to the IOR for coordination. These communications include items related to assistant inspectors, special inspectors, material testing firms, etc.

1. Oral Communications

None of the parties shall rely on oral communications. All final decisions shall be rendered as written communications so that they are enforceable.

2. Written Communications

Written communication will be handled through Procore and email. Handwritten communications are acceptable if legible, in proper form and complete with signatures of authorization/receipt. Any communication with State Agencies will be formalized in letter form or by other methods provided by that agency.

3. Mail and Deliveries

Correspondence and/or deliveries by US Mail, UPS, FedEx or other companies should be addressed to the Project Manager. Originals will be scanned and filed.

4. Telephone Conversations

Telephone conversations should be followed up with an email to record pertinent information.

K. PROJECT MEETINGS

Formal meetings will have a prepared agenda approved by the Project Manager. Meeting minutes will be recorded and tracked in Procore.

Project meetings will be held weekly unless the Project Manager agrees that the amount of work in progress justifies a change in frequency.

The meetings typically cover the status of the following, at a minimum:

- Review of the schedule
- Review of progress on the project
- Review of any issues raised by the IOR or Design Professional
- Review of Submittal Log
- Review of Request for Information (RFI) Log
- Review of Potential Change Order (PCO) Log
- Review of any issues raised by the Project Manager
- Review of the draft payment request (at least once per month)

It is imperative that comprehensive minutes be recorded during each meeting. Transcribing of the meeting minutes should take place within one or two days of the meeting. After review, minutes should be distributed to all parties in attendance by email or in Procore. At the bottom of all meeting minutes, the following sentence should be included, "Please submit any corrections, revisions, additions or deletions within 48 hours; if none, the meeting minutes will be filed as sent."

L. CONTRACT DOCUMENTS

The Project Manager will furnish a complete set of contract documents (specifications and drawings in half-size, if requested), including addenda, for each assigned project. The Contractor will receive additional copies of specifications and drawings as stipulated in the contract.

The Project Manager will ensure that construction team members receive any contract document updates.

If questions, discrepancies, omissions, or conflicts arise regarding the contract documents, drawings, or specifications, the Project Manager will administrate a resolution. If legal interpretation is required for any provision in the contract documents or for a situation that arises, the Project Manager will review the topic with District legal counsel and notify all parties concerned of the result.

M. LABOR COMPLIANCE

All public works projects must pay prevailing wages. Within 39 days after award of the construction contract, the District will submit contract information to the Department of Labor in the Division of

Industrial Relations (DIR) for enforcement, and the department becomes the repository for all payroll records.

N. RECORDS REQUESTS

A public records request will be submitted to the Superintendent. The request will then be sent to the Project Manager, who will work to extract the appropriate records for delivery to the Superintendent. In the event the request is sent directly to the Project Manager, the Project Manager will send a copy to the Superintendent.

Labor organizations have a right to more personnel payroll information than the public and therefore the redaction requirements will differ depending upon who is requesting the information.

O. IOR's DUTIES AND RESPONSIBILITIES

It is the responsibility of the IOR to ascertain that the materials used and workmanship employed on the project is in accordance with the contract documents. The IOR is responsible for all inspection and quality testing on the project, whether done personally or by assistant or special inspectors.

Both Procore and DSA Box are a repository for project drawings and specifications for digital access and reference by parties responsible for project implementation.

1. Daily Inspection Report

A daily inspection report (Daily) will be completed by the assigned IOR for every contract workday. Each Daily will describe the work performed, instruction given or received, unsatisfactory or nonconforming work, delays, contractor personnel, equipment, and any additional documentation required by the Design Professional and/or Project Manager, including but not limited to; specialty inspectors and a summary of the required inspections, tests performed on-site, weather conditions to include precipitation, etc.

2. Test Reports

The IOR will keep a complete and accurate report of tests performed to verify specification requirements. The items to be included in the Test Report are the following:

- Project contract number and description of contract work.
- Type of test and specification(s) reference.
- Person/Company performing the test, location, date and equipment used.
- Sample source and date secured.
- Narrative description of tests performed.
- Results of tests, given in units required by specifications and, as appropriate, units of recognized standards.
- Recommendation as to acceptance or rejection.
- Signature of responsible person controlling the testing work.
- A list of observers.
- Required follow-up action if test results were not in conformance.

3. Semi-monthly Reports

The IOR's Semi-monthly Reports will document all issues of importance as required by DSA. Conferences with the contractor and/or other parties, significant information regarding material equipment and personnel, weather or delay causes, as well as any other issues having a bearing on the project will be included. Potential differences with the contractor such as responsibility for performing specific work will be addressed in detail. Particular care will be taken to record and preserve all possible data and/or evidence with respect to any matter which may become a basis for a contractor claim.

P. INSPECTION AND TESTING

1. Inspection

Inspections by the District are for the sole benefit of the District and do not:

- Relieve the contractor of responsibility for providing adequate quality control measures.
- Relieve the contractor of responsibility for damage to or loss of the material before acceptance.
- Constitute or imply acceptance.
- Affect the continuing rights of District acceptance of the completed work.

When contractually required, materials will be sampled, inspected, and/or tested at the source or fabrication plant prior to shipment to the project. When off-site inspections are required, the IOR will coordinate scheduling with the Project Manager prior to performing off-site work.

A procedure for deficiency notices to address non-conforming work will be implemented by the IOR. These notices will be used to establish plans for remedial actions and to document acceptance of corrected work.

The District provides inspection and testing at its cost during the normal eight (8) hour workday, Monday through Friday (except holidays). Work performed by the Contractor outside of normal hours requires advance authorization from the Project Manager. Related costs, including inspections, generated by the recovery work are tracked in Procore using the Change Management tool, once off-hours work has been authorized.

2. Testing Disputed Items

When it is suspected that work is deficient or not in compliance with the specifications, the IOR will notify the Project Manager and request testing of such work. The testing/work will be tracked in Procore by the construction team using the change management tool.

The testing consultant will comply with the DSA Tests and Inspection requirements, which identify the specific material testing requirements and/or procedures to be used in complying with the DSA testing provisions of the contract documents. This portion of the plan will include:

- Name of testing laboratory and/or consulting firm(s) with primary quality control responsibilities and a detailed description of the services to be provided.

- Specific procedures for determining that the requirements of the American Society for Testing and Materials (ASTM) cited in the contract documents are satisfied in every respect.
- A listing of all tests required by the contract documents, including type, frequency, method of sampling, applicable standards, and acceptance criteria and/or tolerances.

The testing consultant will regularly prepare and submit reports to the IOR and Project Manager that document the results of all material testing. Failed tests and/or tests that did not meet applicable standards will be highlighted. At completion of the project, the Testing Consultant will submit a final project material test and quality report (DSA Final Verified Reports).

3. Testing

It is the responsibility of the materials testing firm (or firms) to test materials used on the project as required by the construction contract.

The Project Manager or IOR may determine the need for other types of tests, such as the monitoring of noise levels, vibration levels, subsurface movements, verifications of surveys and layout work. All requests for additional testing will be reviewed and approved by the Project Manager. Approval may require new or amended consulting contracts. A complete record of all tests performed will be maintained in Procore by the IOR and construction team using the Change Management tool. The records will be filed and copies distributed to the Project Manager, Design Professional, IOR, and DSA, in accordance with current law and the Contract Documents.

The Project Manager is responsible for coordinating and verifying with the IOR the receipt of the necessary test results prior to authorizing payment to the designated Testing Consultant. All field reports will be directed to and received by the Project Manager.

Q. AS-BUILTS

The Project Manager will verify that the Contractor and/or the IOR are maintaining an accurate as-built schedule, if required by the contract. The Inspector's Daily Report will also note the actual start and finish of activities. Schedules will be updated on a weekly basis to:

- Develop an as-built schedule as each project progresses
- Determine actions required to reach the project milestones
- Document delays and other unforeseen influences on each project schedule that could develop into claims

At project meetings, the construction team will review the schedule. In the event portions of work are in danger of being delayed, or actually are delayed, the Contractor must develop and present a recovery schedule. Potential or actual delays and plans for correction will be reported to the Project Manager.

Throughout the duration of the Project, Contractor shall maintain on a current basis an accurate and complete set of As-Built Drawings (and Annotated Specifications) clearly showing all changes, revisions to specifications and substitutions during construction, including, without limitation, field changes and the final location of all electrical and mechanical equipment, utility lines, ducts, outlets, structural members, walls, partitions, and other significant features. In case a specification allows Contractor to elect one of several brands, makes, or types of material or equipment, the annotations shall show which of the allowable items the Contractor has furnished. The Contractor will update the As-Built Drawings and Annotated Specifications as often as necessary to keep them current, but no less often than weekly.

- Updates. Contractor shall update As-Built Drawings with complete information on an area of Work at or near the time when the Work is being performed, prior to any DSA 152 sign off, and prior to any Work being covered.
- Storage. The As-Built Drawings and Annotated Specifications shall be kept at the Site and available for review and inspection by the District and the Architect. Failure to maintain and update the As-Built Drawings is a basis to withhold scheduled Progress Payments.
- Upon Beneficial Occupancy. Upon Beneficial Occupancy, Contractor shall provide a copy of the As-Built Drawings and Annotated Specifications on bond paper along with digital files of the same and transmit them to the Project Manager.
- As-Builts at Completion of Work. On completion of the Work and prior to and as a condition precedent to the Application for Retention Payment, the Contractor will provide one neatly prepared and complete set of As-Built Drawings and Annotated Specifications to the District. Contractor shall certify the As-Builts as a complete and accurate reflection of the actual construction conditions of the Work by affixing a Stamp indicating the Drawings are As-Builts and Certifying Accuracy on the final set of As-Builts.
- Log of Control and Survey Documentation. Contractor shall complete and maintain an accurate log or all control and survey documentation for the Project as the Work progresses. All reference and control points shall be recorded on the As-Built drawings. The basis of elevations shall be one of the established benchmarks that must be maintained on the As-Builts.
- Record Coordinates for Key Items. Contractor shall record, by coordinates, all utilities on-site with top of pipe elevations, major grade and alignment changes, rim, grate or top of curb and flow line elevations of all drainage structures and sewer manholes. Contractor shall update record information at or near the time when work is occurring in an area, prior to DSA 152 sign off on any category of Work, and prior to covering the Work.

R. DELAYS

In addition to providing a schedule update every thirty (30) days, the Contractor shall take the steps necessary to improve Contractor's progress and demonstrate to the District and Architect that the Contractor has seriously considered any lost time, the Completion Date, or the milestones that are required to be met within the terms of the Contract.

Schedule Updates shall provide a listing of activities which are causing delay in the progress of Work and a narrative shall be provided showing a description of problem areas, anticipated delays, and impacts on the Construction Schedule. Simply stating “District Delay” or “Architect Delay” shall be an inadequate listing.

In the event the Contractor cannot proceed with a specific work activity, the Project Manager will immediately be advised and shall convene a meeting with the Contractor to address the issue. The Project Manager will provide direction to the Contractor to provide a Recovery Schedule showing how Milestones and the Completion Date will be met.

Failure to comply with Contractor’s Baseline or Update Schedule, resulting in missed critical Milestones, Delay to the Critical Path, or Delay to the Contract Time, may trigger the District’s right to issue a Partial Default of the Contractor’s Work and take over that segregated area of Work.

S. PAYMENT APPLICATIONS

1. Retention

All payments to the Contractor are subject to a five percent (5%) retention. The District may increase this retention to ten percent (10%) if the BOE approves the increase and makes findings that the project is sufficiently complex to justify the increased retention. The District may entertain reduction in retention after 50 percent of the project is completed.

2. Progress Payments to Contractor for Stored Materials

On the monthly payment request, the Contractor may request payment for certain construction materials and equipment delivered to the site (or off-site) but not yet installed, subject to strict conditions. If a Contractor wants to receive payment for stored materials, a listing of these materials must be submitted. The list will be subject to the review and approval of the Project Manager.

T. SUBMITTALS and SHOP DRAWINGS

The contract documents will require a submittal register that itemizes the submittals. The Submittal Items will be included as predecessor activities to the appropriate work items in the Project Schedule and will be reviewed by the Project Manager.

All Submittals and Shop Drawings will be packaged by the Contractor, referencing the respective project’s exact name and CSI section number. Each submittal will be numbered sequentially and uploaded in Procore, using the appropriate submittal form. The Project Manager will review the submittal, comment on it, and forward it to the Design Professional for approval, rejection or a request that the contractor revise and resubmit the submittal, as appropriate.

A copy of approved submittals will be maintained by the Project Manager. Following completion of construction, all submittal files will be inventoried and transferred to the district in accordance with closeout procedures.

U. QUALITY IN CONSTRUCTION

1. Control of Work

The Contractor is responsible for the means and methods employed to perform the work. If authorized by the Executive Director-Construction Services, the Project Manager may give directions or instructions requiring the Contractor to accelerate the work or proceed with extra work not authorized by the contract.

It is the responsibility of the Project Manager to verify that the project is being constructed in accordance with the plans and specifications and in compliance with the terms of the contract through the IOR and Design Professional. The Project Manager and Design Professional have, and will exercise, the authority to reject both unsatisfactory workmanship and materials. Such rejections will be communicated in writing to the Contractor immediately upon discovery along with a reference to the appropriate plan or specification requirements. However, the work will not be directed to stop, except in an emergency situation.

Occasionally, conditions of the work will be such that changes or extra work will be necessary. In such cases, the Project Manager will anticipate the necessity for changes in advance. The Project Manager will follow the Potential Change Order (PCO) procedures outlined in this manual. The Project Manager will not authorize the Contractor to perform changes or extra work without an executed modification of contract (Potential Change Order). In an emergency, the approval process will be expedited.

Failing to immediately correct unsatisfactory work while proceeding with other work will not be allowed. In such a case, the Project Manager may approve a limited work stoppage until the unsatisfactory work is corrected. Documentation must be complete and must include photographs of the unsatisfactory condition.

The Project Manager will direct all authorized instructions concerning contract work performance to the proper personnel in the Contractor's organization. In no instance will instructions or directions be given to subcontractors.

2. Quality Assurance Plan

The Contractor will submit the Quality Assurance Plan prior to start-up for a given project. A detailed inspection and testing plan based on the project contract documents (plans and specifications) will be developed by the Contractor. The Quality Assurance Plan (QAP) will be initiated, managed and documented by the Contractor. The QAP establishes that Contractor's

Work is in conformance with the requirements from the start of the work. This plan must be reviewed in detail with the Design Professional and approved by the Project Manager prior to implementation (if required by the Contract Documents).

The Contractor will name a full-time, on-site person who will be responsible for the QAP and who will represent the Contractor at all QAP inspections conducted for the Work of this Contract. The Contractor and the field staff will follow a project's specific QAP Plan in performing and/or monitoring all inspections and/or tests performed by the Testing Consultant.

The Contractor is not authorized to revoke, alter, substitute, or relax any contract requirement or obligation. Stopping work for reasons other than safety can only be initiated by the Project Manager. Temporary curtailment of a specific construction activity to correct defective workmanship or materials (such as concrete slump) is within the IOR's authority.

3. Work Stoppages

The following conditions require immediate intervention:

- Possible cessation of work due to conflicting field conditions or interferences not referred to on contract drawings or in specifications.
- Damage to personnel or property due to unsafe and hazardous work practices or conditions. Occasionally, DSA issues a "Stop Work Order" or "Order to comply" if events outlined in the attached IR A-13 occur.

In the event the Contractor cannot proceed with the work because of the above conditions, and the cessation of work may result in additional costs to the District, the Contractor will immediately notify the Project Manager. If the conditions involve design changes, the Design Professional and IOR must also be consulted. A meeting between the Contractor and the Project Manager will be convened on the shortest possible notice to discuss and resolve the issue. If, in the opinion of the Project Manager, the presence of the Design Professional is desirable, the Design Professional will be requested to attend.

Following determination of necessary action, the Contractor will provide an estimate of cost for the change, and if the cost is mutually agreeable, that cost will be the basis for contract modification in accordance with the terms of the contract.

Should the Contractor be unable to establish the cost for the work at this time, or if there is disagreement on the cost for the work, the Contractor may, through a directive from Project Manager, be authorized to proceed with the work on a time and material basis.

The Project Manager, IOR and Contractor will maintain complete daily documentation on all work performed under this basis and will compare records for concurrence at the close of each day's work. Daily work tickets must be signed by the IOR at the end of each shift.

Any unsafe work or condition shall stop work immediately. A conference between the Project Manager, IOR and Contractor shall be convened immediately.

All oral instructions or directives issued to the Contractor to stop work must be documented in writing to the Contractor within twenty-four (24) hours of issuance.

4. Power Outages

The Project Manager will coordinate any power outages during construction with the contractor, site staff (including Nutritional Services), maintenance, and IT.

V. CHANGE MANAGEMENT

All changes to the contract will be made by Change Order (CO). Changes to plans will be submitted to DSA as Construction Change Documents (CCDs.)

Cumulatively, construction contract change orders may constitute no more than ten percent of the original contract amount. All change orders must be approved by the Superintendent and the BOE. If time is of the essence, the Superintendent may approve a change order of up to \$175,000, provided it does not exceed the cumulative ten percent of the original contract, and the Board will ratify the change order afterwards.

If a change order exceeding the cumulative ten percent of the contract is required for any reason, the Board must grant approval in advance.

Changes are generated in several ways:

- By the contractor, through a Request for Information (RFI) or Potential Change Order (PCO)
- By the District
- By outside agencies, imposing new requirements or new interpretations of existing requirements
- By the discovery of unforeseen conditions during construction
- By the Design Professional, to correct errors and omissions in the construction documents.

1. Requests for Information (RFIs)

An RFI is a written request, prepared by the Contractor, asking the Architect to provide additional information to clarify an item which the Contractor believes is not clearly shown or called for in the drawings or specifications, or to address problems which have arisen under field conditions.

RFIs issued by the Contractor are first submitted to the Project Manager. The Project Manager will comment and then forward RFIs via Procore to the Design Professional. The Design Professional shall respond to RFIs through Procore within four days. The response from the design professional will be one of the following:

- The contractor is directed where to find the answer in the contract documents (no change to contract).

- The Design Professional issues a clarification that is minor and does not involve a change in cost or schedule. The Design Professional will issue a CCD (Construction Change Directive). If the Contractor believes that there is an impact on cost and/or schedule, the Contractor will notify the Project Manager and Design Professional before starting work. The Project Manager and Design Professional will evaluate the claim and either change the response to one without cost or will require the Contractor to submit a PCO (Proposed Change Order).
- The Design Professional issues a response that impacts cost and/or schedule. Prior to issuing such a response, the Design Professional will notify the Project Manager. The Project Manager and Design Professional will evaluate the response. If possible, they will change the response to one without cost. If there is not a no-cost solution, the Project Manager will either create a PCO or request one from the Contractor, and will process the change in a change order.

An RFI log will be developed and maintained in Procore. This log will contain the following information:

1. RFI number,
2. name of originator,
3. brief description,
4. date RFI was received from contractor,
5. date RFI was forwarded to design professional,
6. date reply was received from Design Professional
7. date reply was transmitted to contractor.

The Project Manager will monitor the RFI log to make sure responses are sent in a timely fashion and to anticipate potential change orders.

2. Potential Change Order (PCO)

Changes resulting from approved responses to RFIs that have a financial or schedule impact will be discussed with the Project Manager and converted to a PCO by the contractor. The PCO will include documentation justifying the change in contract cost or contractual completion date. The PCO will be submitted to the Project Manager through Procore. After review, the Project Manager and the design professional will review the PCO and either approve, reject or request additional information to justify the contractor's request. All PCOs will be negotiated by the Project Manager and the contractor. After the contractor and Project Manager agree to the cost and time impacts, the Project Manager will generate a change order (CO) in Procore and will route to design professional and contractor for signature approval.

3. Owner Requested Changes

If approved, the Project Manager will negotiate with the design professional any extra design fees that may be required. The design professional will create a CCD and issue it to the contractor with a request for proposal. If the cost of the proposal is approved by the Project Manager, then the Project Manager will include the change in a formal change order.

4. Unforeseen Circumstances

Where field conditions, unforeseeable causes beyond the control and without the fault or negligence of contractor including and/or interface with other program work are involved, the Project Manager will evaluate any proposed changes to the project and review with the design professional.

5. Time Extensions

[This section will be coordinated with the new front-end documents from the District's legal department as soon as the documents are received.]

Extensions to the established contract completion date will be considered only if formally requested by the contractor. Within five calendar days of the beginning of any such delay, the Contractor will notify the Project Manager in writing of causes of delay; thereupon the Project Manager will ascertain the facts and extent of the delay. If the PM finds that the fact justify it, an extension of time for completing work will be granted. The Project Manager's findings of fact thereon will be final and conclusive to all parties. In case of a continuing cause of delay, only one claim is necessary. Time extensions to the completion of the Project should be requested by the contractor as they occur and without delay. Regardless of the schedule submitted by contractor, no delay claims will be accepted by the District unless the event or occurrence delays the completion of the Project beyond the contractual completion date.

Under extreme circumstances, the District may grant the Contractor more time to submit the cause for delay, but is under no obligation to do so.

6. Change Order (CO)

Once a PCO or CCD has been approved by all parties, a formal change to the time and/or dollar amount of the contract is processed through a CO. The change order will be submitted to the Board of Education for approval.

W. SCHEDULE OF VALUES

- 1. Breakdown of Schedule of Values.** Schedule of Values shall be broken down by project, site, building, milestone, or other meaningful method to measure the level of project completion as determined by the District. The schedule of values shall include, but not be limited to, mobilization costs, subcontractor costs, submittal costs, punch lists, Contractor fees, commissioning, start-up, demobilization & clean-up costs, close out submittals, and as-builts.
- 2. Based on Contractor Costs.** The Schedule of Values shall be based on the costs from contractor to the District. However, the submission of the schedule of values shall not be front-loaded so the Contractor is paid more than the value of the work actually performed.
- 3. Largest Dollar Value for Each Line Item.** Identify subcontractors and materials suppliers proposed to provide portions of work equal to or greater than ten thousand dollars (\$10,000) or other amount approved in writing by the District.

4. **Allowances.** Any allowances provided for in the contract shall be a line item in the schedule of values.
5. **Labor and Materials Separation.** Labor and Materials shall be broken into two separate line items unless specifically agreed in writing by the District.
6. **District Approval Required.** The District shall review all submissions of schedule of values received in a timely manner. All submissions must be approved by the District before becoming the basis of any payment.

X. LABOR RELATIONS

1. Department of Industrial Relations (DIR) Registration

The California Department of Industrial Relations (DIR) requires that all construction contractors performing prevailing wage work be registered with the Public Works Contractor Registration database. All construction contractors doing business with the District must be registered at both the time of bid and at the time of award.

When all required approvals are received and the project is ready to begin actual construction, prevailing wage monitoring and submission are essential to ensure that a project is completed in accordance with all Labor Code requirements. The information below outlines the important process of notifying and working with the DIR through this process.

Contractors and subcontractors on most public works projects are required to submit certified payroll records (CPRs) to the Labor Commissioner using DIR's electronic certified payroll reporting system.

If a contractor or subcontractor works or bids on a public works project, then the contractor or subcontractor is considered a public works contractor.

All public works contractors must fulfill four key responsibilities.

- Register as a public works contractor
- Follow apprenticeship requirements
- Maintain and submit certified payroll records
- Pay prevailing wages

Note: The Compliance Monitoring Unit or “CMU” was a component within the Division of Labor Standards Enforcement created to monitor and enforce prevailing wage requirements on public works projects that received state bond funding. The laws and regulations that govern the new program became effective January 1, 2012, but ended June 20, 2014. Only projects for which the public works contract was awarded on or after January 1, 2012, and on or before June 19, 2014, were subject to the CMU requirements.

2. Apprenticeship

All public works contracts valued at \$30,000 or more carry an obligation to hire apprentices, unless otherwise noted in the corresponding prevailing wage determination.⁴ This duty applies to all contractors and subcontractors on a project, even if their part of the project is less than \$30,000.

The Division of Apprenticeship Standards (DAS) provides assistance to contractors who need to employ apprentices on public works projects and may grant exemptions to the requirement to hire apprentices.

A public works contractor must:

- Submit contract award information for each craft required on the project using the DAS 140 form.
 - If the contractor is approved to train apprentices, the contract award information must be sent to its apprenticeship committee.
 - If the contractor is not approved to train apprentices, the DAS Form 140 must be sent to all apprenticeship committees that can supply apprentices to the site of the public works project.
- Make training fund contributions in the amount established in the prevailing wage rate either to the applicable apprenticeship committee or the California Apprenticeship Council (CAC).
- Contact the applicable apprenticeship committee to request apprentices for each craft or trade on the project using the DAS 142 form. The form must be submitted at least three business days before apprentices are required.
- Employ apprentices in the correct ratio. For every five hours performed by a journeyman level worker, one hour of apprentice work must be employed.

⁴ <https://www.dir.ca.gov/das/publicworks.html>

Section 9

PAYMENT PROCEDURES

- A. GENERAL INVOICES**
- B. CONTRACTOR PAYMENT APPLICATION**

A. GENERAL INVOICES

The District will strive to pay invoices within 30 days of receiving an invoice. The following process has been implemented to comply with this policy:

As Invoices are received for payment, they are routed electronically to two members of the Bond Program Management team for review and approval. Each invoice is then submitted to the Executive Director-Construction Services and the Assistant Superintendent - Business Services for approval/signature. (Certain legal invoices, City of Beverly Hills reimbursements, and invoices from the Bond Manager for services rendered are processed by District management and do not require signatures of the bond management team.)

Approved invoices are saved electronically and registered in the invoice log. The invoices are then placed in the corresponding purchase order file and transmitted to the Accounts Payables Department for processing payment with LACOE. (Note: If Assistant Superintendent Business is out of the office for a period of time and unable to execute invoices, then anyone designated by the District can complete the invoice approval.)

Accounts Payable receives a warrant from LACOE, and issues payment to Contractor/Vendor.

At the end of each month, a copy of the commercial warrant register is downloaded and reviewed to confirm and update the invoice log.

The BEST InfoAdvantage Reports are to be run on the first of the month, for the previous month and transmitted electronically to California Financial Services (CFS). If the first of the month falls on a Saturday or Sunday, reports are transmitted on the following Monday.

B. CONTRACTOR PAYMENT APPLICATION

An approved Monthly Pay Application shall be paid by the District within 30 days after receipt and acceptance by the Design Professional, the IOR, and the Bond Manager in accordance with the California Prompt Payment Act. The following process has been implemented to comply with the Prompt Payment Act.

Within ten calendar days after the date of the Notice to Proceed, the Contractor will furnish a schedule of values (SOV), which is the basis for payment requests. The SOV will identify costs for each itemized activity and a breakdown of anticipated monthly earnings for payments in accordance with the contract.

The SOV is the basis for the Monthly Application for Payment. The Contractor shall be required to provide this breakdown by building and site, labor and material, allowances, and bonds. All work identified on the schedule of values is required to be categorized by either modernization or new construction. The value of each item within the SOV shall not change, once it has been approved. The only changes permitted to the SOV will be the addition of a line item SOV for each new approved change order.

The following forms must also be submitted along with application for payment and SOV:

- Conditional waiver and release upon progress payment (For the present month);
- Unconditional waiver and release upon progress payment (For the previous month);
- Conditional waiver and release upon final payment (For final payment request);
- Unconditional waiver and release upon final payment (For final payment request); and
- Safety program compliance form.

The contractor may be requested to submit conditional waiver and release forms and unconditional waiver and release forms from their listed subcontractors within 30 days of the application for payment that includes the subcontractors' charges.

All payments to the contractor are subject to five percent retention. The District may increase this retention to the traditional ten percent level only if the BOE approves the increase and makes findings that the project is sufficiently complex to justify the increased retention. The District may offer or approve requests for retention reduction after 50 percent completion.

No payments will be made until unconditional release upon progress payment form that covers the full period through the last payment received by the contractor is submitted by the contractor for itself and its subcontractors/suppliers that have performed work during the period in question.

The contractor may submit payment requests monthly that show the percentage of work for each line item in the SOV. A member of the bond management team, design professional, and IOR will review the percentage of work completed compared to the approved SOV. The percentage complete must be justified by verified quantities of materials and labor. If the payment request is acceptable, then the design professional, IOR and bond management team member will sign the payment request and forward for processing.

Upon receipt of the approved payment request, the pay application will be date stamped, a copy will be made for the purchase order file or electronic copy saved for the District's records, and the pay application will be registered in the invoice log.

Electronically signed by the Architect, IOR, Bond Project Management team, Executive Director-Construction Services and Assistant Superintendent of Business Services, pay applications are sent to Accounts Payables along with a transmittal summary, (requesting that the warrant be sent to the facilities office for delivery to the contractor), for processing payment with LACOE. When the Accounts Payable Department receives a warrant from LACOE, it will be mailed to the contractor unless otherwise requested by the Facilities office.

Note: If the Assistant Superintendent Business is out of office for a period of time and unable to execute invoices, then the Superintendent or designee will approve the invoices.

Note: Five business days after the transmittal to the Accounts Payables Department, the pay application status will be checked to ensure it was uploaded to the Best Advantage System for payment processing. If not, a call or email will be delivered to accounts payable. If no response is received, a call will be placed to the Assistant Superintendent Business.

Note: At the end of each month, a copy of the commercial warrant register will be downloaded and used to update and balance the invoice log.

On the monthly payment request, the contractor may request payment for certain construction materials and equipment delivered to the site (or off-site) but not yet installed, subject to strict conditions.

If a contractor wants to receive payment for stored materials, a listing of these materials must be submitted. The list is subject to review and approval from the Bond Program Management team. In reviewing and recommending approval of material and equipment listed for payment, the following criteria must be met:

- Payments for major items only;
- Materials must meet the requirements of the specifications, be stored or stockpiled (either onsite or in a bonded warehouse, as specified in the contract) and must be adequately safeguarded. Requests for materials payment must be accompanied by paid invoices for materials stored as noted above. Before payment can be made for delivered materials off-site, the contractor will furnish as evidence of ownership properly executed bills of sale for the delivered materials for which payment is requested; and
- IOR and a member of the bond management team will inspect items prior to payment.

Once stored material and equipment items are approved for payment, records are kept documenting these payments. Quantities are recorded upon receipt of approved invoices. In cases of multiple invoices, balances will be accumulated and payment made on the basis of "first in, first out".

Subtractions from the accumulated balances are made as the material and equipment is incorporated in the contract work. The Bond Program Management team will verify item balances periodically by physically inspecting contractor inventories. Attention must be paid to the material invoices for proof of payment, discounts, taxes, etc. Payments for stored material and equipment are subject to retention.

Prior to the payment of final retention, the Bond Program Management team will use the project closeout log to assure receipt of all close-out documentation. The Notice of Completion (NOC) must be issued for the contract prior to the final payment. If the NOC is filed with the County Recorder's Office within 15 days of completion, then the time for subcontractors to record a mechanic's lien or file a stop payment notice is 30 days after recordation. If the NOC is not recorded, the time for filing liens and stop notices is extended to 90 to 150 days.

Section 10

COMMISSIONING

A. COMMISSIONING DEFINITION

B. STAGES OF COMMISSIONING

1. Pre-design
2. Design
3. Installation/Construction
4. Acceptance
5. Post-acceptance/Warranty

C. VERIFICATION CHECKS

D. RETRO-COMMISSIONING

1. Planning
2. Investigation
3. Implementation
4. Hand-off

E. RECOMMISSIONING

COMMISSIONING DEFINITION

Commissioning refers to the activities done to ensure that the building, its systems, and its equipment operate as designed. The work is performed either by the Owner's Commissioning Authority (OCA), an Independent contractor hired by the owner, or the project's construction manager. Systems are checked once during new construction or renovation for systems verification and functional performance testing.

A. STAGES OF COMMISSIONING

1. Pre-design

- a. Determine project objectives and develop owner's criteria.
- b. Develop commissioning requirements.
- c. Hire or assign OCA.

2. Design

- a. Design team develops project design. OCA (or representative) reviews design intent, basis of design documents, and drawings. OCA provides feedback to design team.
- b. OCA develops commissioning plan.
- c. Design team develops project specifications based on owner specifications.

3. Installation/Construction

- a. OCA gathers and reviews design and project documentation.
- b. OCA works with contractors, holding periodic commissioning meetings to integrate the process and schedule into the overall construction project.
- c. OCA develops verification checklists and pre-functional performance test (PFPT) forms.
- d. OCA monitors construction progress.
- e. OCA ensures selected maintenance staff members are given the training opportunity of observing the installation and testing of specific systems for which they will inherit maintenance responsibilities.
- f. OCA works with installing contractors to verify start-up and perform verification to ready systems and equipment for PFPT.

4. Acceptance

- a. OCA directs and oversees installing contractors' performance testing, observed by OCA's selected maintenance staff; deficiencies are reported.
- b. OCA validates building Testing and Balancing (TAB) report data.
- c. OCA directs and oversees installing contractors' performance of equipment condition acceptance testing, observed by OCA's selected maintenance staff; deficiencies are corrected and condition baseline data is included in the final commissioning report and O&M manual.

- d. OCA works with installing contractors to reschedule performance testing as needed when deficiencies are present; corrections to deficiencies are verified by OCA.
- e. OCA reviews and verifies O&M manuals for completeness and applicability.
- f. OCA oversees, Contractor conducts, and OCA coordinates prescribed training for the O&M staff.

5. Post-acceptance/Warranty

- a. OCA prepares the Final Commissioning Report.
- b. OCA conducts site visits to interview O&M staff on system performance.
- c. Deferred and/or seasonal testing is performed.

B. VERIFICATION CHECKS

Verifications checks are equipment inspections that ensure proper installation and configuration. This testing employs checklists to verify that the equipment or system is ready for initial start-up (e.g., flexible conduit is connected, belt tension is correct, oil levels are adequate, labels are affixed, gauges are in place, and sensors are calibrated). Some verification checklist items entail the simple testing of the function of a component, a piece of equipment, or system (such as measuring the voltage imbalance on a three-phase pump motor of a chiller system). For most equipment, the installing contractors execute the checklists on their own. The OCA requires that the procedures and results be documented in writing and usually witnesses only the verification testing of the larger or more critical pieces of equipment. Other components are validated randomly by the OCA.

Functional performance tests are a series of tests of the function and operation (and sometimes, condition) of equipment and systems using manual (direct observation) or monitoring methods. Functional performance testing is the dynamic testing of systems under full operation, rather than just components. (As an example, the chiller pump is tested interactively with the chiller functions to see if the pump ramps up and down to maintain the differential pressure set point). Systems are tested under various modes, such as during low cooling or heating loads, high loads, component failures, unoccupied condition, varying outside air temperatures, fire alarm, and power failure. The systems are run through all the control system's sequences of operation, and components are verified to respond as the prescribed sequences state.

The OCA develops the functional test procedures in a sequential written form, coordinates, oversees, and documents the actual testing, which is usually performed by the installing contractor or vendor. In addition, seasonal functional performance tests may also be performed, during which the installing contractor and/or OCA performs the functional performance test during different seasonal weather conditions. Functional performance testing also may include procedures for condition acceptance testing. Condition acceptance testing uses condition monitoring techniques, usually associated with reliability centered maintenance, to identify latent manufacturing, transportation, and installation defects that affect the condition of the equipment at the time of

acceptance. The most common techniques will use vibration analysis to inspect for mechanical alignment and balance, soft foot, and internal and bearing defects; infrared thermography to determine the presence of high resistance and other problematic electrical connections; ultrasound to determine the presence of fluid (e.g., compressed air, steam, gas) leaks; lube oil analysis to determine the quality, condition, and appropriateness of lubricating oils and their additives; and/or motor testing and electrical testing, where the condition of the insulation is of major importance.

Not all commissioning programs include condition acceptance testing. However, there is no better time to determine the physical hidden condition of the equipment (while functional performance testing looks at operating parameters). Hidden conditions are then noted as a condition for acceptance while the warranties are still active and this process establishes the condition baseline for the ensuing maintenance program. System testing (TAB) may or may not be included as part of the commissioning (that is, the TAB technicians may or may not work for the OCA). However, validation of the TAB results by random spot checking of actual output against the documented TAB data normally will be included in the commissioning process regardless of the TAB contractor's relationship within the commissioning team.

C. RETRO-COMMISSIONING

Retro-commissioning is not tied to a specific new construction or renovation project and therefore does not necessarily follow the same process as commissioning. Retro-commissioning typically follows a four-part process:

1. **Planning:** Identify project objectives, decide which building systems should be analyzed for improvements, define tasks, and assign responsibilities.
2. **Investigation:** Determine how the selected systems are supposed to operate, or how they could operate more efficiently; perform tests to measure and monitor how the targeted systems currently operate; and prepare a prioritized list of the operating deficiencies found and recommended corrective actions.
3. **Implementation:** Correct operating deficiencies (highest priority to lowest); perform tests to verify proper and/or improved operation.
4. **Hand-off:** Prepare a report on improvements made. Provide training and documentation on how to sustain proper and/or improved operation.

D. RECOMMISSIONING

During recommissioning, the tests that were performed during the original commissioning are performed again, with the goal of ensuring that the building is operating as designed or according to newer operating requirements. The development of new project documentation and testing

procedures and forms is not required. However, these documents can be updated if the building and its systems and equipment have changed dramatically since the original commissioning. Recommissioning can be undertaken as an independent process in response to a specific requirement or periodically scheduled as part of the building's operations and maintenance program. In general, the more substantial the changes that a facility goes through, the more often it should be recommissioned, if a continuous commissioning program is not in place. If there are no known substantial changes to the facility and its operation, it is recommended in general that the facility be recommissioned every three to five years. An independent OCA can be hired to perform recommissioning, or the facility and O&M staff can use the existing test forms to perform recommissioning in house.

Recommissioning starts with:

- Site observation
- Interviews with occupants
- Analyses of energy metering data (if available)
- Review of current O&M practices and service contracts
- Spot testing of equipment and controls
- Trending or electronic data logging of pressure, temperatures, power, flows, and lighting levels used to determine current conditions (this replaces verification checks).

Section 11

CONSTRUCTION PROJECT CLOSE-OUT

- A. CLOSE-OUT LOG**
- B. PUNCH LIST**
- C. COMPLETION OF ADA WORK**
- D. FINAL CLEAN-UP**
- E. AS-BUILTS**
- F. DSA CLOSE-OUT REQUIREMENTS**
- G. WARRANTY AND MAINTENANCE MANUALS**
- H. DOCUMENTS TO BE PROVIDED TO DISTRICT**
- I. NOTICE OF COMPLETION**
- J. PARTIAL COMPLETION AND SUBSTANTIAL COMPLETION**

CLOSE-OUT

Close-out is the process for final completion of the project, including the requirements for DSA certification. Final completion is the point at which all work for the project is complete, including punch lists, and all work complies with the approved contract documents, change orders and DSA requirements.

A. CLOSE-OUT LOG

A close-out log will be generated at the start of the project. This log ensures a complete and thorough close-out of documents, certifications, procedures and materials can take place throughout the course of the project. All documents and contract materials related to close-out shall be transmitted formally using an itemized transmittal for tracking and confirmation of transfer receipt. Transmitted items will be acknowledged using date and signature either in writing or electronically.

B. PUNCH LIST

A punch list is prepared only after the project is substantially complete. The Bond Program Management team, IOR, and design professional will prepare a punch list of items required to complete the contract documents and ensure compliance with the DSA approved plans. This list is used to ensure that the project will be completed by the contractor and will meet requirements for DSA certification.

The Bond Program Management team will provide the Contractor with a specified amount of time to complete the punch list on a project. If the punch list is not completed by the defined date, the Bond Program Management team may issue a valued punch list to the contractor and withhold 120% of the value of the punch list work until completed.

C. COMPLETION OF ADA WORK

The Bond Program Management team will ensure that ADA work is completed/corrected to comply with and receive DSA certification.

D. GENERAL FINAL CLEAN-UP

Upon completion of the work, the Contractor shall employ experienced workers or professional cleaners for final cleaning. Each surface will be cleaned to the condition expected in a normal commercial building cleaning and maintenance program.

E. AS-BUILTS

The Bond Program Management team will ensure that the following information is correctly drawn on the prints and accurately located on as-built drawings:

- Indications of changes to original drawings, inclusive of all Architect's supplemental instructions, RFI clarifications, addenda, DSA approved construction change documents (CCDs) and change orders

- Location and elevations of covered utilities, including valves, cleanouts, etc.
- Architect of record approval of “as-built” information.
- DSA Inspector’s approval of the “as-built” information.

The Contractor shall provide the District with a bound copy and an electronic file in a format the District deems acceptable.

F. DSA CLOSE-OUT REQUIREMENTS

The Bond Program Management team will ensure that the Contractor performs all work within its scope to comply with the DSA requirements.

The Bond Program Management team shall ensure that the Contractor executes a Form DSA 6-C as required under Title 24 Sections 4-343 and PR-13-01. The contractor understands that filing of a Form 6-C with DSA is a requirement to obtain final DSA approval of the construction and will be utilized to verify under penalty of perjury that the work performed by the Contractor complies with the DSA approved contract documents.

G. WARRANTY AND MAINTENANCE MANUALS

The Bond Program Management team will ensure that three hard copies and one electronic copy of complete warranty and O&M documents are submitted in bound 8½” x 11” binders and electronically, including a table of contents in front and indexed with tabs. Warranties and operations and maintenance instructions shall be consistent with the requirements of the contract and contract documents, including repair parts lists, service instructions for all electrical and mechanical equipment, and equipment warranties.

Each manual will contain a list of subcontractors, with their addresses and the names of persons to contact in cases of emergency. Identifying labels will provide names of manufacturers, their addresses, ratings, and capacities of equipment and machinery.

H. DOCUMENTS TO BE PROVIDED TO THE DISTRICT

Contractor shall provide all project documents and files, including but not limited to contractor’s daily reports, RFIs, submittals, correspondence, certifications, forms, meeting minutes, and unconditional releases.

The IOR will provide the DSA job file per T-24 4-342 and PR 13-01.

I. NOTICE OF COMPLETION

At the completion of the overall project, and submission by the Contractor and acceptance of all contract requirements by the Bond Program Management team, the BOE shall accept the project as complete and authorize the filing of a notice of completion with the county clerk and recorder. The

BOE has delegated authority to the Superintendent to accept negotiated projects as complete if the contract value is less than \$50,000.¹

J. PARTIAL COMPLETION AND SUBSTANTIAL COMPLETION

The District reserves the right to partially occupy complete or partially complete portions of the project. If the District opts to occupy portions of the project, the Bond Program Management team will issue partial acceptance, accepting only the portion of the project being occupied. The partial acceptance will be subject to a punch list that will be prepared by the design professional for that portion of the project being occupied. This partial occupancy shall not constitute the commencement of the warranty period.

Substantial completion shall be defined as that time in the project when the work has progressed to the point where the project can be utilized for its intended purpose and beneficial occupancy is obtained. The District may at its option fully occupy the project. A punch list will be established by the design professional for the entire project prior to establishing the date for substantial completion.

Warranties required by the contract documents shall commence on the date of completion of the entire work. Warranty periods do not commence at substantial completion or when a particular subcontractor's work is complete. No additional charges, extras, change orders, or claims may be sought for warranties commencing from the notice of completion.

The District shall have the right to utilize equipment and to test and operate said equipment as necessary for acclimation without voiding or starting warranties. Taking beneficial occupancy shall not start warranties except in the case where the District agrees, in writing, that coverage under warranties shall commence or where the District is taking phased occupancy of specific buildings or areas and completes separate punch lists.

¹ See Section 4 page 4

Section 12

CLAIMS AVOIDANCE & MANAGEMENT PROCEDURES WARRANTY OF CONSTRUCTION AND CORRECTION PERIOD

A. CLAIMS AVOIDANCE PROCEDURES

- 1. Recommended Steps When Reviewing RFIs**
- 2. Recommended Steps When Review PCOs and Contingency Authorization Requests (CAR)**
- 3. When District and Contractor Cannot Come to Terms**

B. CLAIMS MANAGEMENT PROCEDURES

- 1. Construction Claims Procedures**
- 2. Bond Program Management Team's Responsibilities Regarding Alleged Claims**
- 3. Contractor Claims Analysis**
- 4. Evaluation of Entitlement**

C. WARRANTY OF CONSTRUCTION

D. CORRECTION PERIOD

A. CLAIMS AVOIDANCE PROCEDURES¹

Steps must be taken to avoid having formal claims filed by Contractors whenever it is practically possible. If the quantity of Requests for Information (RFIs) or Proposed Change Orders (PCOs) on a given project seems excessive, the Bond Program Management team will anticipate a potential claim. If the Contractor submits unreasonable costs for additional work, the District must establish a means of pricing the work. The Bond Program Management team will be timely in these actions as the longer it takes to resolve pricing issues, the greater the potential delay claim.

These recommendations are intended to minimize the likelihood of the Contractor initiating a formal claims process that may result in project delays, attorneys' fees, and other negative and costly outcomes. It is important that at all times, the Bond Program Management team act in good faith on behalf of the District, even when it appears that the Contractor is not doing so.

1. Recommended Steps When Reviewing RFIs

- a. Confirm that the design professional is responding within the time frame set forth in the contract documents. Contractors may complain about the length of time it takes to receive responses to RFIs. If the architect is missing contractual deadlines, the Contractor may be entitled to compensation for delay, if the RFI affects work that is in the critical path for the project.
- b. Confirm that the Contractor is not submitting "nuisance" RFIs. Contractors may submit RFIs asking for information that is readily available in the bid documents. Contractors may also submit requests for proposed alternate materials and/or methods of installation (request for substitution), which may condense the schedule. However, cost analysis for substitutions should also be considered.
- c. Confirm that the architect or other design professional is giving thorough and complete responses to RFIs. When multiple "back-and-forth" responses occur, Contractors may attempt to initiate a delay claim.
- d. Document RFIs that are incomplete or vague when submitted by the Contractor. Do not allow the Contractor to claim delay for an RFI that could not be answered by the District's design professional because of the Contractor's inadequate wording of the question.

2. Recommended Steps When Reviewing Proposed Change Orders (PCOs) and Contingency Authorization Requests (CAR)

- a. Examine Contractor-initiated PCOs to determine if all or part of the proposed additional work should have been included in the bid price.
- b. Review cost of work only if a PCO is clearly necessary or if it was initiated by the District. Varying methods for determining cost are available to the District, and the general conditions allow for flexibility. Examples include:
 - Lump sum as agreed upon by both parties.
 - Unit costs established at bid time.

¹ Performance Audit 2016-17 Observation 11 Improvement Recommendation

- Time and materials.
 - Generally accepted and agreed upon basis of establishing cost (e.g., Means Building Construction Costs Book).
- c. It is up to the Bond Program Management team to implement the best methodology to determine reasonable cost for extra work. Lump sum pricing is simplest, but it requires that a level of trust exists between the owner and the Contractor.
- d. If unit costs were included in bid pricing, they are a definitive method of avoiding disputed costs.
- e. Time and material pricing is an effective method of making sure that the owner pays only actual costs associated with the extra work. However, this method requires that the Contractor's activities be monitored by the IOR.
- f. Using a pricing standard such as the Means Building Construction Costs Book can be subject to interpretation and should be used with the appropriate level of consideration.

3. When District and Contractor Cannot Come to Terms

- a. The Bond Program Management team must establish a fair value for the work in dispute, as a benchmark for negotiation.
- b. The Bond Program Management team will need to compile backup documentation and exhibits to support the cost established by the District as fair value for the work.
- c. The Bond Program Management team will advise the Contractor to proceed with the work under protest as required. Article 13 of the general conditions states that filing of a claim is not a basis to discontinue work.
- d. A meeting should occur that includes the Contractor, Bond Program Management team, IOR and design professional to review the issues.
- e. The Bond Program Management team may engage in informal conflict resolution with the affected parties.
- f. If none of these steps results in resolution of the disputed costs, an informal mediation may be scheduled.

B. CLAIMS MANAGEMENT PROCEDURES

A claim usually involves a Contractor or subcontractor requesting additional disputed compensation for work completed that was one of the following:

- outside the scope of work defined by the contract
- completed within the contract scope but under conditions that were neither bid nor anticipated.

The claims process is set forth in the contract. Once the claims process is set in motion, all parties involved in the project play a role in the resolution of the claim, including the District, Architect, Inspector of Record, Contractor/Subcontractors, and legal counsel.

Claims issues that may arise during construction include (but are not limited to) requests for:

- Time extension
- Payment of money or damages arising from Work done by or on behalf of the Contractor pursuant to the contract and payment of which is not otherwise expressly provided for or the claimant is not otherwise entitled to
- Payment of money that the District disputes that it owes.

1. Construction Claims Procedures

At the pre-construction meeting, the Bond Program Management team will remind the Contractor that all claims must be submitted in writing to the Bond Program Management team for processing and distribution.

Upon receipt of intent to claim or a claim from the Contractor, the Bond Program Management team will immediately take the following steps:

- a. Establish a separate file folder for all pertinent documentation.
- b. File the original letter of intent to claim in the project file.
- c. Acknowledge to the Contractor, in writing and without commitment, receipt of intent to claim or claims. (Care must be taken that no indication of the Bond Program Management team's opinion regarding the Contractor's allegations is either given or implied).
- d. Assemble all documentation regarding the claim. (This documentation will include, but not be limited to, all relevant reports, diary entries, photographs, and correspondence.)
- e. For all claims from the Contractor, the Bond Program Management team will prepare a factual analysis, with detailed citations of the evidence that will either support or rebut the Contractor's position. The analysis will reference daily reports, diary entries, photographs, etc.
- f. If the Bond Program Management team determines that the claim has merit, the Bond Program Management team will evaluate entitlement (time and money) and initiate a contract modification (Change Order).
- g. If the claim is rejected, the Bond Program Management team will inform the Contractor in writing.
- h. After intent to claim has been presented by the Contractor, and at completion of all work associated with the intent to claim, the Bond Program Management team will, in writing, request the Contractor to present the claim in a timely manner.

2. Bond Program Management Team's Responsibilities Regarding Alleged Claims

Whenever an event occurs or a situation arises which has the potential of delaying the Contractor beyond the contract completion date, and it can be demonstrated that the cause of the potential delay is beyond the Contractor's control (e.g., strikes, unusually severe weather,

etc.), the Bond Program Management team and the Contractor will make a determination of the extent of the potential delay.

If it is determined by the Contractor that the contract completion date cannot be met, the Contractor will present a request for an extension of time to the Bond Program Management team. The request should demonstrate the reasons behind the failure to meet the contract completion date and present practical alternatives such as re-sequencing of items of work or methods of accelerating the work, with time and dollar values assigned.

After a detailed analysis by the Bond Program Management team and the Contractor, a determination will be made as to the following:

- What is the time impact on the contract completion date? (after considering unused float time, etc.,)
- What, if any, remedial action can be taken to compress the schedule and allow for on-time completion? What will this action or actions cost in terms of time and dollars?
- What would the impact on the Contractor be if the time extension is disallowed and liquidated damages are assessed?

Once the determinations are made, one of the following actions will take place.

- a. If the Bond Program Management team recognizes the Contractor's request as having merit, the Bond Program Management team will initiate a contract modification (Change Order) for extended time.
- b. If the Bond Program Management team denies the Contractor's request for a time extension, the Bond Program Management team will notify the Contractor of the denial.

3. Contractor Claims Analysis

For each claim submitted by the Contractor, the Bond Program Management team, and design professional will prepare an in-depth, factual analysis, with detailed citations of evidence that will either support or rebut the Contractor's position. The analysis of each claim will reference daily inspection reports, construction summaries, as-built schedules, photographs and/or video documentation as appropriate. The design professional will forward the completed factual analysis to the Bond Program Management team with a recommendation as to the claim's merit.

4. Evaluation of Entitlement

If the Bond Program Management team determines that the claim has merit, the Bond Program Management team, in conjunction with the design professional, will complete an evaluation of entitlement (time and/or money) and initiate a proposed change order to the contract.

C. WARRANTY OF CONSTRUCTION

The Contractor warrants that the work performed meets the contract requirements and is free of any defect in equipment, material, or design furnished, or workmanship performed by the Contractor or any subcontractor or supplier at any time.

With respect to all warranties, expressed or implied, from subcontractors, manufacturers, or suppliers for work performed and materials furnished under this contract, the Contractor will:

- Obtain all warranties required by the contract documents
- Require all warranties to be executed, in writing, for the benefit of the District
- Enforce all warranties for the benefit of the District.

D. CORRECTION OF WORK

For the period specified in the contract or warranty, from the date of beneficial occupancy, the Contractor will remedy at the Contractor's expense any failure to conform to the contract requirements or any defect. If the District takes possession of any part of the work before final completion, the correction period for such part of the work will continue for the period specified in the contract. The Contractor will remedy at the Contractor's expense any damage to real or personal property owned or controlled by the District when the damage is the result of:

- Contractor's failure to conform to contract requirements.
- Any defect of equipment, material, workmanship, or design furnished by the Contractor.

The Contractor will restore any work damaged in the correction of work. The Contractor's warranty with respect to work repaired or replaced will begin or resume from the date of repair or replacement.

The Bond Program Management team and design professional will notify the Contractor, in writing, within a reasonable time, after the discovery of any failure, defect, or damage.

If the Contractor fails to remedy any failure, defect, or damage within a reasonable time after receipt of notice, the Bond Program Management team will have the right to replace, remove, or otherwise remedy the failure, defect, or damage at the Contractor's expense.

Section 13

APPENDICES

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APPENDIX A

General Acronyms Project-Related Acronyms

General Acronyms

A4LE	Association for Learning Environments
AB	Assembly Bill
ACBM	Asbestos Containing Building Material
ADA	Americans with Disabilities Act
ADA	Average Daily Attendance
AHERA	Asbestos Hazard Emergency Response Act
ARB	Air Resources Board
BEST	Business Enhancement System Transformation
Cal-EPA	California Environmental Protection Agency
CALGEM	Geologic Energy Management Division (formerly Division of Oil, Gas and Geothermal Resources (DOGGR)
Cal-OSHA	California Occupational Safety and Health Act
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CASBO	California Association of School Business Officials
CASH	Coalition of Adequate School Housing
CBEDS	California Basic Educational Data System
CBOC	Citizens' Bond Oversight Committee
CBC	California Building Code
CCR	California Code of Regulations
CC&Rs	Conditions, covenants, and restrictions
CDC	California Department of Conservation
CDE	California Department of Education
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CFD	Community Facilities District
CFR	Code of Federal Regulations

CGS	California Geographical Survey
CM	Construction Manager
CMC	California Mechanical Code
COPs	Certificates of Participation
CPC	California Plumbing Code
CPM	Critical Path Method
CPUC	California Public Utilities Commission
CSBE	California State Board of Education
CUP	Conditional Use Permit
CUPCCAA	California Uniform Public Construction Cost Accounting Act
DFG	Department of Fish and Game
DHS	Department of Health Services
DIR	Department of Industrial Relations
DLSE	Division of Labor Standards Enforcement
DOHS	Department of Health Service
DMG	Division of Mines and Geology
DSA	Division of State Architect
DTSC	Department of Toxic Substances Control
DVBE	Disabled Veteran Business Enterprise
ESA	Environmental site assessment
EIR	Environmental Impact report
EOA	Environmental oversight agreement
EPA	Environmental Protection Agency
ESA	Endangered Species Act of 197?
FCC	Federal Communication Commission; Facilities and Construction Committee
FS	Feasibility study
GMP	Guaranteed Maximum Price
GO Bond	General Obligation Bond
Hazmat	Hazardous Materials
HVAC	Heating, ventilation, and air-conditioning

IDEA	Individuals with Disabilities Education Act
IOR	Inspector of Record
JPA	Joint Powers Authority
MBE	Minority business enterprise
MTA	Metropolitan Transportation Agency
ND	Negative Declaration
NOC	Notice of Completion
NOD	Notice of Determination
NOE	Notice of Exemption
NOI	Notice of Intent
OPR	Office of Planning & Research
OPSC	Office of Public School Construction
OSHA	Occupational Safety and Health Act
PA/SI	Preliminary Assessment/Site Investigation
Pb	Lead
PCB	Polychlorinated biphenyl
PEA	Preliminary Endangerment Assessment
PRC	Public Resources Code
PUC	Public Utilities Commission
QA	Quality Assurance
QC	Quality Control
QZAB	Qualified Zone Academy Bond
RAP	Remedial Action Plan
RAW	Removal Action Workplan
RFI	Request for Information
RFQ	Request for Qualifications
RFP	Request for Proposal
RWQCG	Regional Water Control Board
SAB	State Allocation Board
SBE	Small Business Enterprise

SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SFID	School Facilities Improvement District
SFP	School Facilities Program
SFPD	School Facilities Planning Division
SSI	Supplemental Site Investigation
SWMP	Storm Water Management Plan
SWPPP	Storm Water Pollution Prevention Program
SWRCB	State Water Resources Control Board
TRAN	Tax and Revenue Anticipation Note
UBC	Uniform Building Code
VCA	Voluntary Cleanup Agreement
VOC	Volatile Organic Compound
WBE	Women’s Business Enterprise
YTD	Year to Date

PROJECT RELATED ACRONYMS

ACI	American Concrete Institute
AISC	American Iron and Steel Institute
AISI	American Institute of Steel Construction
ANSI	American National Standards Institute
AQMD	Air Quality Management District
ASCE	American Society of Civil Engineer
ASTM	American Society for Testing Materials
AWS	American Welding Society
BU	Bulletins (issued by DSA)
CFCI	Contractor Furnish Contractor Install
CFOI	Contractor Furnish Owner Install

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September 26, 2023

DF	Drinking Fountain
DIM	Dimension
E	Existing
FA	Fire Alarm
FDC	Fire Department Connection
FE	Fire Extinguisher
FEC	Fire Extinguisher with Cabinet
FF	Finish Floor
FH	Fire Hydrant
FOC	Face of Concrete
FOF	Face of Finish
FOM	Face of Masonry
FOS	Face of Stud
FP	Fire Protection
FRP	Fiber Reinforced Polymer
FS	Finish Surface
GA	Gauge
GB	Gypsum Board
GFRC	Glass Fiber Reinforced Concrete
GFRG	Glass Fiber Reinforced Gypsum
GL	Guidelines (issued by DSA)
HB	Hose Bib
FV	Field Verify
INV	Invert
IR	Interpretations of Regulations (issued by DSA)
MDF	Medium Density Fiberboard
MH	Manhole
N	New
NFPA	National Fire Protection Association
NIC	Not in Contract



Received by the BHUSD Board of Education
September 26, 2023

NTS	Not to Scale
OC	On Center
OD	Outside Diameter
OFCI	Owner Furnish Contractor Install
OFOI	Owner Furnish Owner Install
PA	Public Address
PH	Panic Hardware
PL Policies	(Issued by DSA)
PLAM	Plastic Laminate
POC	Point of Connection
PR	Procedures (Issued by DSA)
PSF	Pounds Per Square Foot
PSI	Pounds Per Square Inch
SIM	Similar
SOV	Shut Off Valve
TOC	Top of Curb
TOP	Top of Parapet
TOS	Top of Slab
TOW	Top of Wall
TYP	Typical
WH	Water Heater
WI	Woodwork Institute
WP	Waterproof
UON	Unless Otherwise Noted



APPENDIX B

BALLOT LANGUAGE

Measure E

Measure BH

MEASURE E**November 4, 2008 Election**

To provide safe and modernized school facilities, make necessary structural seismic safety repairs, upgrade, repair, and reconstruct aging classrooms, infrastructure, multiuse, gyms, libraries, science, technology & labs; roofing, plumbing, heating, ventilation and electrical systems; renovate Beverly Hills Unified School District schools to better protect student/staff from unauthorized entry, security risks and natural disasters; shall Beverly Hills Unified School District issue \$334 million in bonds at legal interest rates subject to mandatory audits, independent citizens' oversight without an estimated increase in tax rates?

**Impartial Analysis from Raymond G. Fortner, Jr.
County Counsel**

Approval of Measure E would authorize the Beverly Hills Unified School District ("District") to issue general obligation bonds, in an amount not to exceed \$334,000,000.

Funds received from the sale of the bonds shall be used for the specific purposes set forth in this Measure including modernizing school facilities; making structural seismic repairs; upgrading, repairing and reconstructing classrooms, infrastructure, multi-use, gyms, libraries, science and technology labs, roofing, plumbing, heating, ventilation and electrical systems. No funds may be used for teacher and administrator salaries or any other school operating expenses.

Independent performance and financial audits will be performed annually to ensure that the funds received from the sale of the bonds are expended as specified in the Measure. All bond expenditures will be monitored by an independent Citizens' Oversight Committee to ensure that the funds are spent as specified.

The bonds shall mature and be paid no later than forty (40) years following their date of issuance. The highest tax rate for the bonds when combined with the existing bonds is estimated to be \$49.71 annually per \$100,000 of the taxable real property located within the District.

This Measure requires a fifty-five percent (55%) vote for passage.

MEASURE BH**June 5, 2018 Election****FULL TEXT BALLOT PROPOSITION
OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT
BOND MEASURE ELECTION JUNE 5, 2018**

The following is the full proposition presented to the voters by the Beverly Hills Unified School District.

“To improve aging Beverly Hills schools, upgrade/replace inefficient heating, cooling/electrical systems, classrooms, libraries/science labs, deteriorating restrooms/leaky roofs, provide modern classroom technology/science equipment, shall this Beverly Hills Unified School District measure be adopted to upgrade, construct/acquire classrooms, facilities, sites/equipment, and issue \$385,000,000 of bonds at legal rates, levy on average 4.4 cents/\$100 assessed value, \$23,700,000 annually for school repairs while bonds are outstanding, require taxpayer oversight, annual audits/ all funds for Beverly Hills schools?”

PROJECT LIST

The Board of Education of the Beverly Hills Unified School District is committed to improving the quality of education by providing students and teachers with safe and secure facilities with up-to-date technology infrastructure needed to prepare students for 21st Century academic standards and jobs. To that end, the Board evaluated the District’s urgent and critical facility needs, including **safety** issues, class size reduction, and computer and information technology, to develop the scope of projects to be funded. The District conducted a facilities evaluation reflected in its Facilities Master Plan, presented to the Board on February 22, 2018 and incorporated herein by reference, and received public input in developing this Project List. Teachers, staff, community members and the Board have prioritized the key health and safety needs so that the most critical facility needs are addressed. The Board concluded that if these needs are not addressed now, the problems will only become more pressing and expensive to address. **Therefore, in approving this Project List, the Board of Education determines that the District MUST:**

1. **(i) Improve earthquake and fire safety of all school buildings.**
2. **(ii) Repair or replace old, leaky roofs, and inadequate electrical systems.**
3. **(iii) Prohibit bond money from being used for non-construction administrative costs;**
4. **(iv) Adhere to specific fiscal accountability safeguards such as:**
 1. **(a) Prohibit the State from taking any of the funds raised.**
 2. **(b) All expenditures will be subject to ANNUAL INDEPENDENT FINANCIAL AUDITS.**
 3. **(c) No funds will be used for administrators’ salaries and/or pensions.**
 4. **(d) All funds will stay in the District and be subject to local control.**
 5. **(e) AN INDEPENDENT CITIZENS’ OVERSIGHT COMMITTEE WILL BE APPOINTED TO ENSURE THAT ALL FUNDS ARE SPENT ONLY AS AUTHORIZED.**

The Project List includes all of the following types of upgrades and improvements:

Local School Repair and Upgrade Projects

Goal and Purpose: To provide local funds which cannot be taken away by the State so that the District can reduce its maintenance budget, local schools will benefit from projects including:

- **Repair** or replace old, worn-out school floors and walls, restrooms, windows, and **leaky roofs**.
- Replace and repair aging school plumbing systems and restrooms.
- Repair, modernize, construct and acquire classrooms, replacing out-of-date science labs, facilities, equipment with up-to-date classrooms and science equipment.
- Add electrical service capacity to relieve overloaded electrical systems so that it can handle modern instructional technology.
- Install energy efficient systems to save money and protect the quality of instruction in core subjects like reading, math, science and technology.
- Replace older heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems which will save money for educational uses.

1. School Safety, Security and Health Wellness Projects

Goal and Purpose: Since good, safe and up-to-date schools help protect and improve local property values and, improve the quality of teaching especially in the areas of science, technology, arts and music, local schools and District sites will benefit from a variety of health and safety projects, such as:

Student Safety and Security

- Improve the **earthquake safety** of school buildings.
- Upgrade **fire safety** systems of older buildings including fire alarm equipment and sprinklers to make students safe in the event of an emergency. •
- Improve lighting, fencing, windows, locks and other **security systems** to ensure safe school environments.
- Upgrade schools to improve accessibility by disabled students and teachers.

Student Health

- **Remove hazardous materials like asbestos, lead, fungus or mold from older school sites.**
- Upgrade heating, air conditioning and air filtration to ensure **healthy learning environments**.
- Beverly Hills High School oil well remediation and site repurposing, as required by State and local legal requirements.

District-Wide Instructional Technology and Infrastructure Projects

To Standardize Learning Spaces for 21st Century Skills

Goal and Purpose: Since many classrooms are so old that they cannot support modern technology infrastructure, school electrical systems need to be upgraded so that Beverly Hills schools can offer 21st Century learning technology and computer science to students:

- Upgrade and purchase computers and modern learning technology for the classroom for improved student performance.
- Provide up-to-date technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Upgrade and replace computers, hardware systems, classroom and library technology and teaching equipment to enhance instruction.
- **Upgrade and repair aging school electrical systems so that schools can have modern computers and learning technology.**

School Site Projects

The following are projects expected to be completed at the school sites mentioned:

Beverly Hills High School

Modernization and/or replace Buildings B3, B4, C, aquatic center, site improvements, sports fields, parking project, and maintenance and operations offices.

El Rodeo School

Modernization and/or replace Buildings E, new parking structure/play courts, sports fields, and site improvements.

Horace Mann School

Chiller replacement and Building A roof.

Hawthorne School

Auditorium modernization

Beverly Vista School

ADA drop-off and miscellaneous site improvements

The listed projects will be completed as needed. Each project is assumed to include its share of furniture, equipment, architectural, engineering, and similar planning costs, program management, staff training expenses and a customary contingency, and escalation for unforeseen design and construction costs. In addition to the listed projects stated above, the Project List also includes the payment of the costs of preparation of all facility planning, facility assessment reviews, environmental studies, construction documentation, inspection and permit fees, and temporary housing of dislocated District activities caused by bond projects. The repair of school facilities includes: the modernization of

classrooms, including cabinetry, duct work, wiring, electrical systems, upgrading/replacing surface and below ground school site parking, campus accessibility, drop-off areas, roadways, entrances and exits, utilities, including the installation of alternative energy systems such as, but not limited to, solar panels; upgrade irrigation systems, grounds, playground equipment, hard court surfaces, cracked concrete, asphalt and brick surfaces, shade structures for student assembly and protecting students from inclement weather during lunch, libraries, and District support facilities; installing enhanced signage and fire sensors; improving restrooms and drinking fountains; upgrading heating, ventilation and air

conditioning systems, athletic facilities, gyms, pools and play fields for safety and operational efficiency; renovating and painting interior and exterior building surfaces to extend their useful life; installing security, safety and communication systems and equipment; replacing portable classrooms and renovating auditoriums; upgrading ceilings, lighting, window and floor coverings (including tiles and carpeting) and kitchen equipment. The Project List also includes the refinancing of any outstanding lease obligations, the reimbursement of advances made by the District or City of Beverly Hills for oil well remediation, or for bridge loans taken to initiate voter approved projects; the financing/refinancing of real property acquisition and improvements; and acquiring land, making site improvements, building infrastructure and/or constructing additional facilities thereon, for the purpose of expanding instructional programs to meet future educational demands. The budget for each project is an estimate and may be affected by factors beyond the District's control. Some projects throughout the District may be undertaken as joint use projects in cooperation with other local public or non-profit agencies. The final cost of each project will be determined as plans are finalized, construction bids are awarded and projects are completed. Based on the final costs of each project, certain of the projects described above may be delayed or may not be completed. Demolition of existing facilities and reconstruction of facilities scheduled for repair and upgrade may occur, if the Board determines that such an approach would be more cost-effective in creating enhanced and operationally efficient campuses. Necessary site preparation/restoration and landscaping, may occur in connection with new construction, renovation or remodeling, or installation or removal of relocatable classrooms, including ingress and egress, removing, replacing, or installing irrigation, utility lines, trees and landscaping, redirecting fire access, and acquiring any necessary easements, licenses, or rights of way to the property.

Bond proceeds shall be expended only for the specific purposes identified herein. Proceeds of the bonds may be used to pay or reimburse the District for the cost of District staff when performing work on or necessary and incidental to the bond projects. The District shall create an account into which proceeds of the bonds shall be deposited and comply with the reporting requirements of Government Code § 53410.

FISCAL ACCOUNTABILITY: IN ACCORDANCE WITH EDUCATION CODE SECTION 15272, THE BOARD OF EDUCATION WILL APPOINT A CITIZENS' OVERSIGHT COMMITTEE AND CONDUCT ANNUAL INDEPENDENT AUDITS TO ASSURE THAT FUNDS ARE SPENT ONLY ON DISTRICT PROJECTS AND FOR NO OTHER PURPOSE. THE EXPENDITURE OF BOND MONEY ON THESE PROJECTS IS SUBJECT TO STRINGENT FINANCIAL ACCOUNTABILITY REQUIREMENTS. BY LAW, PERFORMANCE AND FINANCIAL AUDITS WILL BE PERFORMED ANNUALLY, AND ALL BOND EXPENDITURES WILL BE MONITORED BY AN INDEPENDENT CITIZENS' OVERSIGHT COMMITTEE TO ENSURE THAT FUNDS ARE SPENT AS PROMISED AND SPECIFIED. THE CITIZENS' OVERSIGHT COMMITTEE MUST INCLUDE, AMONG OTHERS, REPRESENTATION OF A BONA FIDE TAXPAYERS ASSOCIATION, A BUSINESS ORGANIZATION AND A SENIOR CITIZENS ORGANIZATION.



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NO DISTRICT EMPLOYEES OR VENDORS ARE ALLOWED TO SERVE ON THE CITIZENS' OVERSIGHT COMMITTEE.

No Administrator Salaries: Proceeds from the sale of the bonds authorized by this proposition shall be used only for the acquisition, construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher and school administrator salaries and other operating expenses.

APPENDIX C

Construction Management Association of America

Ethical Practice

1. Construction Managers should be guided in all their relationships by the highest standards of integrity and honesty.
2. Construction Managers should conduct themselves honorably, responsibly, ethically, and lawfully so as to enhance the honor, reputation and value of the profession.
3. Construction Managers should avoid conduct or practices that deceive the public or represent a real or perceived conflict of interest.
4. Construction Managers should respect the rights of others and should not discriminate on the basis of race, color, gender, marital status, religion, national origin, age, disability, or sexual orientation nor knowingly violate any law, statute, or regulation in the performance of professional services. Construction managers should strive to create a diverse workforce.
5. Construction Managers should have a zero-tolerance policy for any form of harassment including sexual harassment and bullying.

Professional Excellence

6. Construction Managers should perform services only within their areas of competence and qualification.
7. Construction Managers should contribute to the advancement of the program, project, and construction management profession by using best practices, continuing their professional education, and contributing to the development of the future workforce.

Responsibility to the Public

8. Construction Managers should hold paramount the health, safety, and welfare of the workplace and the public.
9. Construction Managers should guide and aid in defining and meeting objectives for environmental sustainability and resiliency throughout a project's life cycle.

Client-Centered Practice

10. Construction Managers should ethically represent the best interests of the owner or client, as consistent with this code.



APPENDIX D

Resolution No. 2008-2009-014 Establishing a Citizens' Oversight Committee
Agenda Item No. 11.A. Approval of an Amendment to the Amended and Restated Bylaws of the
Citizens' Bond Oversight Committee (August 10, 2021)

Resolution No. 2008-2009-014 Establishing a Citizens' Oversight Committee**RESOLUTION OF THE BOARD OF EDUCATION OF THE
BEVERLY HILLS UNIFIED SCHOOL DISTRICT
ESTABLISHING A CITIZENS' OVERSIGHT COMMITTEE TO
OVERSEE BOND PROCEEDS, EXPENDITURES AND AUDITS****RESOLUTION 2008-2009-014**

WHEREAS, on August 6, 2008, the Board of Education (the "Board") of the Beverly Hills Unified School District (the "District") adopted Resolution number 2008-2009-005 (the "Resolution") ordering a school bond election, establishing specifications of the election order, and requesting consolidation with other elections;

WHEREAS, the Board adopted the Resolution for the purpose of submitting to the electors the question of whether the bonds of the District ("Bonds") shall be issued and sold for purposes outlined in the Facilities Master Plans completed during 2008.

WHEREAS, by way of the Resolution, the Board declared its intent to establish a citizens' oversight committee to ensure that the proceeds of the Bonds are expended only for the specific projects identified on the bond measure approved by the voters.

WHEREAS, consistent with the Resolution, the Board of Education is required to establish a citizens' oversight committee to increase accountability, communication, oversight and representation for the planning, scheduling, budgeting and execution of plans outlined in the Measure E Resolution.

NOW, THEREFORE, the Board of Education of the Beverly Hills Unified School District does hereby resolve, determine and order as follows:

Section 1 – Establishment of the Citizens' Oversight Committee

A Citizens' Oversight Committee is hereby established for the purpose, and operating under the criteria, listed below.

Section 2 – Purpose of the Citizens' Oversight Committee

The purpose of the Citizens' Oversight Committee shall be to:

1. Review spending of Measure E proceeds and ensure that these funds are used only on school improvements, as described in the official ballot "To repair/upgrade and improve security and safety at all Beverly Hills Unified School District schools, qualify for state grants if possible, address building safety/health issues and make other improvements to school sites and buildings, shall the District issue \$334,000,000 of bonds at interest rates within the legal limit with annual audits and citizens' oversight."
2. Establish and maintain quality communications between the Beverly Hills Unified School District and the community.
3. Assure the Board of Education that the goals of the Measure E bond are being met.

Section 3 – Membership on the Citizens' Oversight Committee

1. The Citizens' Oversight Committee shall consist of a minimum of seven citizens who have had no current or past financial relationship with the School District.
2. Committee Members shall serve a term of two years and for no more than three consecutive terms, without compensation.
3. Citizens' Oversight Committee membership shall include no vendors and no current Board of Education Members; it shall not have any overemphasis on government employees or on union or employee association members.
4. Qualifications for membership will be based on:
 - a. broad representation of the community;
 - b. interest and experience in construction, finance and/or auditing;
 - c. volunteering and involvement in school activities;
 - d. length of time in the community.
5. Committee members shall be Board appointed after completing an application process established by the Board of Education.

Section 4 – Responsibilities of the Citizens' Oversight Committee

The Citizens' Oversight Committee will pursue five primary goals in order to achieve its charter.

1. Receive an annual auditor's report.
2. Ensure that funds are used only on school building improvements, not district salaries or administration.
3. Provide regular quarterly reports to the Beverly Hills Unified School District Board of Education that the expenditures match those promised during the bond campaign. In addition, release these findings to the general public.
4. Review the district's maintenance effort ensuring proper maintenance of school buildings after repair and renovation.
5. Review district's school building repair funding plan comprised of local and state bond funds, and other funding sources.

Section 5 – Operation and Organization of the Citizens' Oversight Committee

1. The committee shall conduct its business in compliance with the Ralph M. Brown Act.
2. The committee shall follow parliamentary procedures and keep and provide regular minutes of all meetings.
3. The committee shall review the annual financial audit of the Bond proceeds and State School Facility Program funds.
4. The committee shall review the annual performance audit to ensure that Bond funds and State School Facility Program funds have been expended only on the specified projects.
5. The members of the committee shall serve for two year terms and shall serve no more than two consecutive terms.
6. The committee shall elect a chair and a co-chair who shall each serve a one-year term and for no longer than two consecutive years.
7. The total committee shall have an odd number of appointees.
8. Unless excused by the committee chair or co-chair, members who have been absent for more than two consecutive meetings shall be deemed to have resigned from the committee.
9. Vacancies on the committee shall be filled based on the original appointment criteria and process.

Received by the BHUSD Board of Education
September 26, 2023

10. The committee shall be disbanded when the Bond proceeds and the State School Facility Program funds intended to fund identified projects have been fully expended and all projects completed.

Section 6 – Oversight Defined

1. Ensure to the Board of Education, the Superintendent and the general public that Measure E ballot language and plans are followed.
2. Review and comment to the Board of Education regarding the Measure E audit.
3. Report and comment to the Board of Education regarding the Measure E construction reports provided by Strategic Concepts, LLC and District personnel.
4. Submit accountability assessments to the Board of Education.
5. Review and comment on various aspects of Bond Plans as required by the Board of Education or the Superintendent.

PASSED AND ADOPTED by the Beverly Hills Unified School District Board of Education at a meeting held on the 3rd of February 2009.

AYES: 5 NOES: 0 ABSENT: 0

Jerry C. Gross
Clerk to the Board of Education

Agenda Item No. 11.A. Approval of an Amendment to the Amended and Restated Bylaws of the Citizens' Bond Oversight Committee (August 10, 2021)

Regular Board of Education Meeting

August 10, 2021 5:00 PM

As per Executive Order N-29-20 from Governor Newsom, the Board of Education meeting will move to a teleconferencing environment. Non-essential visitors are not permitted under the current LACDPH Health Order. Therefore, only essential Board Meeting participants will be in person at BHHS in the Jon Cherney Lecture Hall, including but not limited to Board Members and Cabinet.

THE MEETING IS NOT OPEN TO THE PUBLIC!

Agenda Item: **11.A. Approval of an Amendment to the Amended and Restated Bylaws of the Citizens' Bond Oversight Committee**

Rationale: On May 25 2021, the Board of Education approved the following amendment to the Amended and Restated Bylaws of the Citizens Bond Oversight Committee: "5.3 Appointment. The Board shall appoint members to the Committee at each vacancy or at the termination of each two-year term. Prior to appointment, the District Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Sections 5.1 and 5.2. The Superintendent shall establish a process that provides reasonable notice to Board members, specified nominating organizations and individuals. When an appointment is necessary to fill a vacancy, the Superintendent shall ensure that a nomination is received from a like organization or category as the Committee member whose position is vacant. Add: The interview process shall include all five Board members sitting for the interviews of applicants to the CBOC. Additionally, the current Committee Chair and Vice Chair may participate in the interview process but will not have authority to vote on any appointment decision(s). In the event that there is a change to this procedure, that change shall only be made by a vote of the Board." The Amended and Restated Bylaws that were attached to the May 25, 2021 Board agenda were not the most recent version of the document. To correct this error, it is recommended that the Board of Education again approve the amendment to Section 5.3 of the Bylaws, which is now included in the attached current version of the Bylaws.

Recommended Motion: It is respectfully recommended that the Board of Education approved the attached Amended and Restated Bylaws of the Citizens' Bond Oversight Committee.

Actions Taken: **Motion Passed:** A motion was made for Approval of an Amendment to the Amended and Restated Bylaws of the Citizens' Bond Oversight Committee. A roll call vote was taken. Eli Ramer cast a preferential vote of yes. Passed with a motion by Noah Margo and a second by Rachelle Marcus.

Financial Impact: None.

Attachments:
Amendment to Amended and Restated Bylaws

**BEVERLY HILLS UNIFIED SCHOOL DISTRICT
AMENDED AND RESTATED
CITIZENS' BOND OVERSIGHT COMMITTEE BYLAWS**

Section 1. Committee Established. The Beverly Hills Unified School District (the "District") was successful at the election conducted on November 4, 2008 (the "Measure E Election"), in obtaining authorization from the District's voters to issue up to \$334,000,000 aggregate principal amount of the District's general obligation bonds. On June 5, 2018 the District was successful in obtaining authorization from the District's voters to issue up to \$385,000,000 aggregate principal amount of the District's general obligation bonds (the "Measure BH Election"). The Measure E Election and the Measure BH Election are hereinafter referred to collectively as the "Elections." Both Elections were conducted under Proposition 39, being chaptered as the Strict Accountability in Local School Construction Bonds Act of 2000, at Section 15264 *et seq.* of the Education Code of the State ("Prop 39"). Pursuant to Section 15278 of the Education Code, the District is obligated to establish an Independent Citizens' Bond Oversight Committee in order to satisfy the accountability requirements of Prop 39. The Board of Education of the Beverly Hills Unified School District (the "Board") has established an Independent Citizens' Bond Oversight Committee (the "Committee") which shall have the duties and rights set forth in these Amended and Restated Bylaws. The Committee does not have independent legal capacity from the District.

Section 2. Purposes. The purposes of the Committee are set forth in Prop 39, and these Bylaws are specifically made subject to the applicable provisions of Prop 39 as to the duties and rights of the Committee. The Committee shall be deemed to be subject to the *Ralph M. Brown Public Meetings Act* of the State of California and shall conduct its meetings in accordance with the provisions thereof. The District shall provide necessary administrative support to the Committee as shall be consistent with the Committee's purposes, as set forth in Prop 39.

The proceeds of general obligation bonds issued pursuant to the Elections are hereinafter referred to as "bond proceeds." The Committee shall confine itself specifically to bond proceeds generated under Measure E and Measure BH. Regular and deferred maintenance projects not funded by Measure E or Measure BH and all monies generated under other sources shall fall outside the scope of the Committee's review. However, to the extent that facilities are financed with a combination of Measure E and Measure BH monies and other non-bond funds, such projects shall be subject to Committee oversight and review.

Section 3. Duties. To carry out its stated purposes, the Committee shall perform only the duties set forth in Sections 3.1, 3.2, and 3.3 hereof, and shall refrain from those activities set forth in Sections 3.4 and 3.5.

3.1 **Inform the Public.** The Committee shall inform the public concerning the District's expenditure of bond proceeds. In fulfilling this duty, all official communications to either the Board or the public shall come from the Chair acting on behalf of the Committee. The Chair shall only release information that reflects the majority view of the Committee.

3.2 **Review Expenditures.** The Committee shall review expenditure reports produced by the District to ensure that (a) bond proceeds were expended only for the purposes set forth in Measure E and Measure BH; and (b) no bond proceeds were used for any teacher or administrative salaries or other operating expenses in compliance with Attorney General Opinion 04-110, issued on November 9, 2004.

3.3 Annual Report. The Committee shall present to the Board, in public session, no later than June 30 following each fiscal year, an annual written report for the Measure which shall include the following:

- (a) A statement indicating whether the District is in compliance with the requirements of Article XIII A, Section 1(b)(3) of the California Constitution; and
- (b) A summary of the Committee's proceedings and activities for the preceding year.

3.4 Duties of the Board/Superintendent. Either the Board or the Superintendent, as the Board shall determine, shall have the following powers reserved to it, and the Committee shall have no jurisdiction over the following types of activities:

- (i) Approval of contracts,
- (ii) Approval of change orders,
- (iii) Expenditures of bond funds,
- (iv) Handling of all legal matters,
- (v) Approval of project plans and schedules,
- (vi) Approval of all deferred maintenance plans, and
- (vii) Approval of the sale of bonds.

3.5 Measure E and Measure BH Projects Only. In recognition of the fact that the Committee is charged with overseeing the expenditure of bond proceeds, the Board has not charged the Committee with responsibility for:

- (a) Projects financed through the State of California, developer fees, redevelopment tax increment, certificates of participation, lease/revenue bonds, the general fund or the sale of surplus property without bond proceeds shall be outside the authority of the Committee.
- (b) The establishment of priorities and order of construction for the bond projects, which shall be made by the Board in its sole discretion.
- (c) The selection of architects, engineers, soils engineers, construction managers, project managers, CEQA consultants and such other professional service firms as are required to complete the project based on District criteria established by the Board in its sole discretion.
- (d) The approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction methods (modular vs. permanent) which shall be determined by the Board in its sole discretion.



(e) The selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the activities of the Committee.

(f) The approval of an annual budget for the Committee that is sufficient to carry out the activities set forth in Prop 39 and included herein.

(g) The appointment or reappointment of qualified applicants to serve on the Committee, subject to legal limitations, and based on criteria adopted in the Board's sole discretion as part of carrying out its function under Prop 39.

Section 4. Authorized Activities.

4.1 In order to perform the duties set forth in Section 3.0, the Committee may engage in the following authorized activities:

(a) Receive copies of the District's annual, independent performance audit and annual, independent financial audit required by Prop 39 (Article XIII A of the California Constitution) (together, the "Audits") at the same time said Audits are submitted to the District and review the Audits.

(b) Inspect District facilities and grounds for which bond proceeds have been or will be expended, in accordance with any access procedure established by the District's Superintendent.

(c) Review copies of deferred maintenance plans developed by the District.

(d) Review efforts by the District to maximize bond proceeds by implementing various cost-saving measures.

(e) Receive from the Board, within three months of the District receiving the Audits, responses to any and all findings, recommendations, and concerns addressed in the Audits, and review said responses.

Section 5. Membership.

5.1 Number.

The Committee shall consist of not more than fourteen (14) members appointed by the Board from a list of candidates submitting written applications, and based on criteria established by Prop 39, to wit:

- One (1) member from a business organization in Beverly Hills;
- One (1) member of the PTS,A who is also a parent or guardian of a child enrolled in the District;
- One (1) member with a finance background;
- One (1) member from the Beverly Hills Taxpayers Association;

- One (1) member with a construction background; and

(b) The Board shall also appoint at least two members from applications received by the District as follows:

- (1) one member who is active in a senior citizens' organization;
- (2) one member who is the parent or guardian of a child currently enrolled in the District.

5.2 Qualification Standard.

(a) To be a qualified member of the Committee, a person must:

- (1) be at least 18 years of age and a citizen of the State of California in accordance with Section 1020 of the California Government Code (the "Government Code").
- (2) not be an employee or official of the District or any vendor, contractor or consultant of the District.

(b) If a member fails to meet the qualification standards set forth above at any time during the term of service, such member shall be disqualified and the position shall be declared vacant. The Board shall appoint a new person to serve the remainder of the term, in accordance with the appointment process set forth in Section 5.3 below.

5.3 Appointment. The Board shall appoint members to the Committee at each vacancy or at the termination of each term. Prior to the appointment, the Superintendent shall conduct a nomination process to ensure that each person nominated meets the qualification standards set forth in Sections 5.1 and 5.2. The Superintendent shall establish a process that provides reasonable notice to Board members, specified nominating organizations and individuals. When an appointment is necessary to fill a vacancy, the Superintendent shall ensure that a nomination is received from a like organization or category as the Committee member whose position is vacant.

The interview process shall include all five Board members sitting for the interviews of applicants to the CBOC. Additionally, the current Committee Chair and Vice Chair may participate in the interview process but will not have authority to vote on any appointment decision(s). In the event that there is a change to this procedure, that change shall only be made by a vote of the Board.

~~5.3~~

5.4 Ethics: Conflicts of Interest.

(a) Members of the Committee are not subject to the Political Reform Act (Gov. Code §§ 81000 *et seq.*), and are not required to complete Form 700; but each member shall comply with the Committee Ethics Policy attached as "Attachment A" to these Bylaws.

(b) Pursuant to Section 35233 of the Education Code, the prohibitions contained in Article 4 (commencing with Section 1090) of Division 4 of Title 1 of the Government Code ("Article 4") and Article 4.7 (commencing with Section 1125) of Division 4 of Title 1 of the Government Code ("Article 4.7") are applicable to members of the Committee. Accordingly:

(i) Members of the Committee shall not be financially interested in any contract made by them in their official capacities or by the Committee, nor shall they be purchasers at any sale or vendors at any purchase made by them in their official capacity, all as prohibited by Article 4; and

(ii) Members of the Committee shall not engage in any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to duties as a member of the Committee or with the duties, functions, or responsibilities of the Committee or the District. A member of the Committee shall not perform any work, service, or counsel for compensation where any part of his or her efforts will be subject to approval by any other officer, employee, board, or commission of the District's Board of Education, except as permitted under Article 4.7.

5.5 Term. Except as otherwise provided herein, each member shall serve a term of two (2) years, commencing as of the date of appointment by the Board. No member may serve more than three (3) consecutive terms. The Board of Education may appoint members to a term of one (1) year. Members whose terms have expired may continue to serve on the Committee until a successor has been appointed. Terms commence on the date the member is appointed to the Committee by the Board of Education.

5.6 Removal; Vacancy. The Board may remove any Committee member for any reason, including failure to attend two consecutive Committee meetings without reasonable excuse, for failure to comply with the Committee Ethics Policy or a failure to adequately carry out their functions as members of the Committee. Upon a member's removal, his or her seat shall be declared vacant. The Board, in accordance with the established appointment process shall fill any vacancies on the Committee. The Board shall seek to fill vacancies within 90 days of the date of occurrence of a vacancy.

5.7 Compensation. The Committee members shall not be compensated for their services.

5.8 Authority of Members. (a) Committee members shall not have the authority to direct staff of the District; (b) individual members of the Committee retain the right to address the Board, either on behalf of the Committee or as an individual; (c) the Committee may establish sub-committees for any purpose and (d) the Committee shall have the right to request and receive copies of any public records relating to projects funded by the Measures.

Section 6. Meetings of the Committee.

6.1 Regular Meetings. The Committee shall meet at least once a year, but shall not meet more frequently than monthly.

6.2 Location. All meetings shall be held within the boundaries of the Beverly Hills Unified School District, located in Los Angeles County, California.

6.3 Procedures. All meetings shall be open to the public in accordance with the *Ralph M. Brown Act*, Government Code Section 54950 *et seq.* Meetings shall be conducted according to such additional procedural rules as the Committee may adopt. A majority of the number of Committee members shall constitute a quorum for the transaction of any business of the Committee.

Section 7. District Support.

7.1 The District shall provide to the Committee necessary technical and administrative assistance as follows:

- (a) preparation of and posting of public notices as required by the *Brown Act*, ensuring that all notices to the public are provided in the same manner as notices regarding meetings of the District Board;
- (b) provision of a meeting room, including any necessary audio/visual equipment;
- (c) preparation, translation and copies of any documentary meeting materials, such as agendas and reports; and
- (d) retention of all Committee records, and providing public access to such records on an Internet website maintained by the District.

7.2 District staff and/or District consultants shall attend Committee proceedings in order to report on the status of projects and the expenditure of bond proceeds.

7.3 The District shall not use any bond proceeds to provide the support set forth in this Section 7.

Section 8. Reports. In addition to the Annual Report required in Section 3.3, the Committee may report to the Board from time to time in order to advise the Board on the activities of the Committee. Such report shall be in writing and shall summarize the proceedings and activities conducted by the Committee.

Section 9. Officers. The Superintendent shall appoint the Chair. Thereafter the Committee shall elect a Chair and a Vice-Chair who shall act as Chair only when the Chair is absent. The Chair and Vice-Chair shall serve in such capacities for a term of one year and may be re-elected by vote of a majority of the members of the Committee. No person shall serve as Chair for more than two consecutive terms.

Section 10. Amendment of Bylaws. Any amendment to these Bylaws shall be approved by a majority vote of the Board. The Committee shall have no authority to amend these Bylaws.

Section 11. Termination. The Committee shall automatically terminate and disband concurrently with the Committee's submission of the final Annual Report which reflects the final accounting of the expenditure of all Measure E and Measure BH monies.

APPENDIX E

DSA Form IR-A-3 Construction Management Services for Public School Projects

DSA Form IR A-8 Project Inspector and Assistant Inspector Duties and Performance

DSA Form IR A-13 Stop Work and Order to Comply

DSA Form IR A-22 Construction Projects and Items Exempt from DSA Review

DSA Form IR EB-4 Rehabilitation Required by Cost: 2019 CAC

DSA Form IR 11B-6 Accessibility Review of Mechanical (HVAC) Projects

**DSA Form IR 11B-10 Scoping and Path of Travel Upgrade Requirements for Facility Alteration,
Addition and Structural Repair Projects**

DSA Form PR 13-01 Procedure: Construction Oversight Process

DSA Form PR 13-02 Procedure: Project Certification Process



IR A-3

CONSTRUCTION MANAGEMENT SERVICES FOR PUBLIC SCHOOL PROJECTS

Discipline: Structural**History:**

Revised 09/11/19

Revised 01/19/17

Issued 09/01/99

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE: The purpose of this Interpretation of Regulations (IR) is to ensure that construction management services comply with the requirements of the Education Code and DSA regulations. Refer to *IR A-23: Construction Cost Reporting and DSA Fees* for interpretations of construction cost reporting and final DSA fee computations. Refer to *IR A-24: Construction Phase Duties of School District, Contractor, and Design Professional* for further interpretations on the construction phase responsibilities of the school district, designers, and construction contractors. Also, refer to *IR A-8: Project Inspector and Assistant Inspector Duties and Performance* for further interpretations of the project inspector's responsibilities.

BACKGROUND: Construction of California public schools and community colleges is commonly achieved by a design contract to an architect or structural engineer followed by a single contract awarded by low bid to a single general contractor. Generally, the statutes and regulations contemplate the construction of a building by a general contractor who would either perform the construction work in its entirety or employ one or more subcontractors under his/her responsible supervision to perform specified portions of the work. This traditional approach to project delivery has been called the design-bid-build approach.

Alternative construction delivery methods acceptable to DSA allow school districts and community colleges to employ:

- A Construction Manager (CM), including program manager and project manager, as a consulting agent of the school district.
- A Construction Manager Multiple Prime (CMMP) to manage multiple prime contractor contracts separately awarded by the district, and coordinate and schedule the work of the various trade and prime contractors. The work of the multiple contractors in aggregate achieves the final product shown on DSA-approved plans and specifications.
- A Construction Manager at Risk (CMAR). A construction manager may act as an agent in administering and advising the district during the pre-design, design, and contractor bidding and award phases and then assume the risk of completion, schedule, and cost by becoming the contractor. When that construction manager assumes the risks of completion, schedules or cost, he/she becomes the CMAR, and may no longer act as agent to the district. He/she must be appropriately licensed as a contractor.

1. GENERAL: Construction managers may perform contracted duties to manage the design and construction process other than those duties that are assigned by code to the school district, designers, laboratory of record, or the project inspector (see IR A-24).

The CM acting as agent of the owner may negotiate scopes of services of inspectors, laboratories, designers and contractors and may manage their contracts and monitor their work. Contracts for inspectors and laboratories must be with the owner and not the CM as agent.

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The scope of services of inspectors, laboratories, designers and contractors shall include the duties defined in Title 24, Part 1. Neither the owner nor their agents in managing the contracts and monitoring the work shall provide direction that results in the designers, laboratories, project inspectors or special inspectors being unable to comply with Title 24, California Code of Regulations (CCR) and to verify the construction is in accordance with the DSA-approved plans and specifications. The project inspector shall be hired directly by the owner and shall work under the direction of the architect or structural engineer in general responsible charge of the project for the purpose of achieving compliance with the approved plans and specifications and shall not work under the construction manager. The project inspector works under the supervision of DSA to achieve compliance with the applicable building codes and regulations. The materials testing and inspection laboratory shall be accepted under the DSA Laboratory Evaluation and Acceptance Program and shall be hired directly by the owner.

The CM and CMMP who are not builders by training or licensed by law cannot be held responsible for the compliance of the work of construction with the duly approved plans and specifications for the project and are not required to submit interim or final verified reports. The Attorney General's Opinion No. CV 74-160, August 1974, is cited as follows:

“A construction manager does not bind himself to construct a building. See Ops. Cal. Atty. Gen. 9322 (1934). The agreement to do these things is made by the owner with other parties and in case of the failure of any of those parties to perform as agreed, an action would lie against them and not against the construction manager. The agreement of the construction manager is to perform services only for the owner; that is, to supervise the work of the contractors who are doing the actual construction.”

Therefore, in accordance with DSA regulations, each independent contractor, including a CMAR, having contracts with the owner is required to submit verified reports.

2. WHEN CM OR CMMP ACTS AS AGENT OF THE DISTRICT AND DOES NOT PERFORM CONSTRUCTION TASKS:

2.1 When a CM or CMMP is employed by the owner as their agent to assist in the management of the construction of the project, the CM or CMMP may:

- Perform services in the areas of coordination of the work of the various contractors.
- Negotiate scopes of services and ensure contract adherence of the work of design professionals, contractors, inspectors and laboratories.
- Monitor and administer the progress of design, construction, and construction change documents.
- Recommend the approval of progress payments for the contractors.
- Prepare, advertise, bid and negotiate prime contracts between the owner and a construction contractor (owner must directly hire contractor).
- Select the project inspector, special inspector and testing laboratory (owner must directly hire inspectors and laboratory).
- Facilitate communications.
- Advise the owner on various aspects of the construction process.

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The CM or CMMP as agent shall not provide services identified as “construction tasks” in Section 2 of IR A-23, or shall otherwise conform to Section 3 of this IR.

- 2.1.1** Costs of the CM or CMMP acting only as an agent of the district and not performing construction tasks need not be included in the estimated project cost or reported in the final project cost on form *DSA 168: Statement of Final Actual Project Cost* (see IR A-24).
- 2.1.2** The CM or CMMP acting only as an agent of the district without performing construction tasks shall not be required to submit a final verified report form *DSA 6-C: Contractor Verified Report* as described in Section 1.
- 2.1.3** The CM or CMMP may sign DSA administrative forms as agent of the district, but not forms that specifically require the signature of the project design professionals, contractors, inspectors and laboratory managers, such as verified reports and inspection cards.

3. WHEN CMMP PERFORMS CONSTRUCTION TASKS:

- 3.1** When a CMMP employed by the owner as an agent of the district provides services as described in Section 2.1 (see also 3.1.1), contracts to contractors have been let, and the CMMP performs construction tasks identified in Section 2 of IR A-23, all work performed as “construction tasks” shall be reported in the final construction cost on the form DSA 168 and shall be subject to the rules and requirements of Title 24, CCR with the exception of verified reports described in Section 3.2.
 - 3.1.1** When a CMMP is to perform construction tasks per Section 2 of IR A-23, the CMMP may not participate in selection of the project inspector, special inspector and testing laboratory to avoid conflict of interest.
- 3.2** The CMMP, regardless of whether performing construction tasks per Section 2 of IR A-23, is not required to provide a verified report form DSA 6-C as described in Section 1.
- 3.3** For projects with multiple-prime contractors, each independent contractor who has a contract with the owner is required to submit a final verified report at the completion of his/her portion of the work.

4. WHEN CMAR PERFORMS AS CONTRACTOR:

- 4.1** A CMAR assumes the risk of project completion, schedule, and cost by becoming the contractor, assuming all of the obligations of the contractor in Title 24, CCR and Section 3 of IR A-24. The CMAR as contractor for the project shall comply with the duties to sign a final verified report form DSA 6-C at completion of the contract of construction.
- 4.2** The CMAR shall not participate in selecting, negotiating contracts, and administering contracts of designers, project inspectors, special inspectors and laboratories as defined by Sections 17311 and 81703(c)(2)(a) in the Education Code. The CMAR does not have signature authority to sign DSA administrative forms on behalf of the district.
- 4.3** For projects using a CMAR, all costs from the assumption of risk of project completion as the contractor shall be included in the fee and reported on the form DSA 168.

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CONSTRUCTION MANAGEMENT SERVICES FOR PUBLIC SCHOOL PROJECTS

5. CONTRACT INFORMATION: When a project involves one or more construction contracts the architect must submit a “Construction Start Notice/Inspection Card Request” (form *DSA 102-IC: Construction Start Notice/Inspection Card Request*) as described in IR A-24 including the CM or CMMP as owner’s agents and CMAR as general contractor.

6. CONSTRUCTION COSTS: See Sections 2, 3 and 4 and IR A-23 for clarification of costs that are to be reported as “construction costs” on form DSA 168.

REFERENCES:

California Government Code Sections 4525 et seq.

Education Code Sections 17280-17311 and 81130-81147

California Code of Regulations (CCR) Title 24

Part 1, California Building Standards Administrative Code

Part 2, California Building Code

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is subject to revision at any time. Please check DSA’s website for currently effective IRs. Only IRs listed on the webpage at www.dgs.ca.gov/dsa/publications at the time of project application submittal to DSA are considered applicable.



IR A-8

PROJECT INSPECTOR AND ASSISTANT INSPECTOR DUTIES AND PERFORMANCE: 2019 CAC

Disciplines: Structural**History:** Revised 06/22/22 Under 2019 CBC

Last Revised 05/23/16 Under Prior CBCs

Original Issue 01/01/99

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE

This Interpretation of Regulations (IR) clarifies the duties of project inspectors (PI) and assistant inspectors (AI) performing inspection duties on construction projects under DSA's jurisdiction.

SCOPE

Inspection duties on DSA regulated projects prescribed by the California Administrative Code (CAC) help ensure construction work complies with DSA approved construction documents. This IR describes practical aspects of code-prescribed inspection duties.

BACKGROUND

There are three types of inspectors who may perform code-required inspections on DSA projects: project inspectors, assistant inspectors, and special inspectors (SI).

- **Project Inspectors** are responsible for ensuring that all code-prescribed inspections and administrative duties are completed, including supervision of AIs, and monitoring the work of the Laboratory of Record (LOR) and SIs. Only DSA-certified Class 1 or 2 PIs may utilize one or more AIs to assist in performing inspection and administrative duties on a project.
- **Assistant Inspectors** may be utilized, or may be required, to assist a DSA-certified Class 1 or 2 PI by providing inspection and/or administrative assistance to the PI on a project. An AI must be qualified by obtaining DSA certification as a PI. Qualified assistants must be approved by DSA for each project as explained in *IR A-7: Inspector Certification and Approval*.
- **Special Inspectors** are specially qualified persons utilized, where required by code, to inspect specific aspects of the work such as structural steel welding or masonry construction. An SI may be hired by the LOR or through an independent contract with the school district or owner. Refer to California Administrative Code (CAC) Section 4-335(f) and *IR 17-12: Special Inspection Reporting Requirements*, for additional information.

1. REQUIRED DUTIES OF THE PROJECT INSPECTOR

The PI must perform specific duties in accordance with CAC Sections 4-211, 4-219, 4-333 and 4-342. The PI acts under the direction of the design professional in general responsible charge and is subject to supervision by DSA. The PI does not have the authority to direct the contractor in the execution of the work or to stop the work of construction.

1.1 The PI's responsibilities include:

1.1.1 Maintain a thorough understanding of all requirements of the construction documents.

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1.1.2 Inspection of all portions of the construction for compliance with the requirements of the DSA-approved construction documents.

1.1.3 Identification, documentation and reporting of construction deviations (using form *DSA 154: Notice of Deviations/Resolutions of Deviations*) from the requirements of the DSA-approved construction documents. (Refer to DSA Procedure (PR) 13-01: *Construction Oversight Process* for additional information.)

1.1.4 Submittal of interim and final verified reports (forms *DSA 152: Project Inspection Card* and *DSA 6-PI: Project Inspector Verified Report*, respectively; *DSA 152-IPI: In-Plant Inspector Inspection Card/Verified Report* for in-plant inspector) per PR 13-01. At the conclusion of the project any outstanding deviations must be noted on the form *DSA 6-PI* or, for the in-plant inspector, form *DSA 152-IPI*.

Lack of compliance with the duties described above, Section 2 below, or detailed in PR 13-01 may result in a non-compliance recording on the form *DSA 119: Project Inspector Performance Review*.

1.2 The PI is prohibited from performing functions associated with actual construction work such as the following:

1.2.1 Performing construction work.

1.2.2 Directing, coordinating, or scheduling the work of the contractor, subcontractor(s), volunteer labor, or any entity performing construction work.

1.2.3 Performing "quality control" of construction. Quality control is the responsibility of the contractor. Quality assurance is the responsibility of the inspector.

1.2.4 Ordering or purchasing materials.

The PI may perform duties for the school district or owner that are not code-prescribed as long as such duties do not interfere with inspection duties. It is the PI's responsibility to report all ancillary duties to DSA, the design professional in general responsible charge, and the structural engineer. The PI shall also report unforeseen time demands that are impacting, or will impact, their ability to perform code-prescribed duties.

DSA may approve a PI when, in the opinion of DSA, these ancillary duties would not create a conflict of interest. DSA may withhold approval of a PI or withdraw approval at any time if the appearance of a conflict of interest arises.

2. SEVEN CATEGORIES OF CODE-PRESCRIBED DUTIES OF THE PROJECT INSPECTOR

The code-prescribed duties of the PI have been organized into the following seven categories.

2.1 Category 1 – Inspector's Job File

The PI must maintain the following records at the jobsite during construction in an organized, readily accessible manner:

2.1.1 DSA-approved (stamped and initialed) plans and specifications (printed copy).

2.1.2 DSA-approved testing and inspection list (form *DSA 103: List of Required Structural Tests and Special Inspections*). The form *DSA 103* may be incorporated into drawings or specifications.

2.1.3 DSA-approved deferred submittals as required by DSA-approved plans (printed copy).

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2.1.4 DSA-approved project addenda and revisions (printed copies) with identification marks made on the original DSA-approved construction documents indicating changes made by these documents.

2.1.5 DSA-approved Category A construction change documents (CCD) with a log of all construction changes, with identification marks made on the original DSA-approved construction documents indicating changes made by these documents.

2.1.6 Project Inspection Card (form DSA 152) and, when applicable, form DSA 152-IPI.

2.1.7 Copies of contractor submittals (construction schedules, shop drawings, certificates, product labels, concrete trip tickets, etc.) accepted by applicable design professionals.

2.1.8 Communication log documenting all significant project construction-related communications, such as contractor's requests for information (RFI), responses to RFIs, DSA communications (field trip notes, etc.), architect's supplemental instructions, information bulletins, and project-related meeting minutes and/or notes.

2.1.9 Deviation notices and resolution of deviations (form DSA 154) with a log (summary record) indicating resolution status for each deviation.

2.1.10 Records of concrete placing operations.

2.1.11 Evidence of continuous inspection, such as daily inspection reports.

2.1.12 Structural/materials and fire and life safety testing reports (i.e., completed copies of the National Fire Protection Association [NFPA] 13, 14, 24 and 72 Record of Completion and Testing and Inspection forms as applicable), as well as other pertinent non-structural test reports provided by other testing entities, e.g., water sanitation, backflow preventer testing, gas and potable water line pressure tests, heating, ventilation, and air conditioning (HVAC) air balancing, energy-related/CalGreen certification tests, etc.

2.1.13 Special inspection reports, whether performed by the PI (see Section 2.6 below) or SI, as well as other pertinent non-structural inspection reports provided by other inspection entities including but not limited to: elevator inspections, city or county health department inspections, etc.

2.1.14 Identification of responsible groups/individuals, including the PI, for both structural/material and fire and life safety-related tests and special inspections.

2.1.15 Completed semi-monthly reports (form DSA 155: *Project Inspector Semi-Monthly Report*).

2.1.16 Verified reports from all parties required to file verified reports.

2.1.17 Form DSA 135: *Field Trip Note* (or comparable) from prior visits and attachments indicating resolution of each field trip note item requiring action.

2.1.18 California Building Standards Codes (Title 24) applicable to the project, such as the following: Part 1 CAC; Part 2 California Building Code (CBC), Volumes 1 and 2; Part 3 California Electrical Code (CEC); Part 4 California Mechanical Code (CMC); Part 5 California Plumbing Code (CPC); Part 6 California Energy Code. The code edition must be as referenced on the DSA-approved plans and specifications. The PI should have access to applicable structural referenced standards as needed for particular project inspection activity.

2.1.19 Any other documents required to provide a complete record of construction.

The job file records listed above may be maintained in paper (i.e., hard copy) and/or electronic format, unless otherwise specified above. If any records are maintained electronically, full

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viewing access shall be given to the school district, DSA personnel and others needing access. The form DSA 119 provides guidance for required recordkeeping and duties. It may be used by the DSA field engineer, per Section 3.2 below. At the completion of the project, the PI shall transfer the job file, with the exception of building codes and reference standards, to the school district, which shall maintain the job file as part of the permanent school district records. If the PI is terminated prior to the completion of the project, for any reason, they shall ensure transfer of the job file. This occurrence requires the PI to personally provide a copy of the entire job file (with the exception of building codes and reference standards) to the assuming PI and to the school district. A copy of the entire job file shall be made available to DSA upon request (refer to PR 13-01 for additional information).

2.2 Category 2 – Inspector's Comprehension of the Construction Documents

The PI must study and fully comprehend the requirements of the construction documents in order to provide personal competent inspection of the work. It is necessary for the inspector to possess a thorough understanding of the requirements of the plans and specifications *before* that portion of the work is performed.

The inspector must:

2.2.1 Consult the responsible design professional(s) to resolve any uncertainties in the inspector's comprehension of, or seeming errors in, the approved construction documents prior to construction of that portion of the work.

2.2.2 Review requirements for each phase of the construction with the contractor prior to commencing that phase of the work. Good communications will prevent construction errors from occurring.

2.2.3 Readily identify noncompliant work as the construction progresses to facilitate prompt corrective action.

2.2.4 Verify code-compliant implementation of both the structural/materials and fire and life safety testing as well as the special inspection program.

CAC Section 4-343 specifies that the contractor must direct inquiries regarding document interpretation (including RFIs) to the design professional in general responsible charge, through the inspector. This code provision requires the contractor to involve the inspector in the interpretation and clarification of the construction documents.

2.3 Category 3 – Continuous Inspection of the Work

Continuous inspection means complete and timely inspection of every part of the work, including any and all work beyond the inspected structural, fire and life safety and accessibility portions of the work, such as mechanical, electrical, plumbing, etc. CAC requires prompt inspection of all the work as it progresses. CAC also requires that prompt verbal notification be made to the contractor of any deviation so that the deviation can be immediately corrected. Deviations relating to structural, fire and life safety or accessibility that do not receive immediate corrective action must be reported using the form DSA 154. Deviations associated with other work (mechanical, electrical, plumbing, etc.) must be reported by the PI using a documentation method of their choosing (custom form, email, etc.). All deviations must be documented in the specified location on page 2 of form DSA 155.

Work associated with concrete and masonry, which is most effectively inspected only as it is placed, requires the constant presence of the inspector. (**Note:** When masonry special inspection is identified on form DSA 103, only DSA-certified masonry special inspectors may inspect masonry work. Any other special inspections identified on form DSA 103 shall be

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performed by appropriately qualified SIs as determined by DSA per CBC Sections 1703A.1, 1704A.2.1 and CAC Section 4-335(f). Refer to Section 2.6.1 below for those code-prescribed special inspections that may be performed and reported by the PI.)

Certain types of work which can be adequately inspected after the work is completed may be carried out while the inspector is not present, provided that the inspector promptly identifies and reports all deviations.

The PI must have personal knowledge of the construction obtained through the PI's own physical inspection of the work in all stages of its progress. When SIs or approved AIs are used on a project, the PI's personal knowledge may include that knowledge obtained from these individuals. The PI must keep a log of time spent on site and report to the school district, design professional in general responsible charge and DSA any unforeseen time demands that are impacting, or will impact, their ability to perform code-prescribed duties.

2.4 Category 4 – Records of Inspections

The PI must maintain detailed records of all inspections. These records must provide comprehensive and timely documentation of the inspected work, promptly identifying all compliant and noncompliant construction. These records must also be readily accessible and maintained in an organized manner as described in Section 2.1 above. The following are the inspection records that must be maintained at the jobsite:

2.4.1 A systematic record of all materials and assemblies accepted by the applicable design professional and delivered to the project site.

2.4.2 A systematic record of the inspection of all work required by the approved construction documents, including any modifications to the originally approved documents, such as approved addenda, revisions, or CCDs. (For special inspections performed and reported by the PI, refer to Section 2.6.1 below.) Marking properly completed work on a set of construction documents is a recommended method of verifying that the requirements of the plans and specifications have been met.

2.4.3 Construction procedure records per CAC Section 4-342, including but not limited to, concrete placement operations and other records specified on the DSA-approved construction documents.

2.4.4 Log of PI's and AI's time spent on site. DSA may require verification from the PI of time spent at the jobsite during all phases of the work. The PI's maximum cumulative total number of hours permitted on one or more simultaneous projects, exempt or not from DSA's jurisdiction, must not exceed approximately 60 hours per week without justification and notification provided to DSA and districts in which all simultaneous projects occur, and subsequent approval by DSA. Refer to IR A-7 for additional information.

2.5 Category 5 – Communications Required of the Inspector

The PI must, during the course of construction, provide specific code-prescribed notices and reports to the responsible design professional(s), DSA, the school district and the contractor. The PI must maintain records of all significant communications. These records must be readily accessible (per Section 2.1 above) and maintained in an organized manner. The date and recipients of all communications must be clearly indicated.

The PI shall communicate with the DSA field engineer, design professionals and school district about any substitute inspector performing inspections due to the PI's absence for vacation, medical leave, etc. prior to such substitution occurrence. Such substitute inspectors shall meet all of the following:

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1. Prior to both performing inspections and the substitution period:
 - a. Be DSA-certified with the appropriate classification for the nature of work they will inspect.
 - b. Be approved to inspect the work by DSA. Formal approval using the form *DSA 5-PI: Project Inspector Qualification and Approval*, may be waived depending on the duration of the substitution period at the discretion of the DSA field engineer and their DSA supervisor.
2. During the substitution period:
 - a. Perform all inspector duties during the original PI's absence.
 - b. Be subject to the same rules, regulations, requirements, duties, disciplinary procedures and supervision as the original PI. The substitute PI's verified report covering their inspections may be waived depending on the duration of the substitution period at the discretion of the DSA field engineer and their DSA supervisor.

The PI is required to provide the following communications during the course of a construction project:

2.5.1 Notifications to DSA

As required by CAC Section 4-342(b)5 (see form *DSA 151: Project Inspector Notifications*), including start of work, minimum 48 hours prior to completion of foundation trenches, minimum 48 hours prior to first concrete placement, and when work is suspended for more than one month.

Note: For the start of work, the PI shall use the date the contractor mobilizes on the project site to begin construction (or demolition, if demolition work is included in the project scope and in the DSA-approved construction documents).

Notifications shall be made using form DSA 151 and submitted electronically as prescribed in PR 13-01.

2.5.2 Inspector's Semi-Monthly Reports

(See CAC Section 4-337.) The PI must prepare and submit detailed semi-monthly reports (on the 1st and 16th of every month) summarizing progress of construction for the previous two-week period. The semi-monthly report must be completed on the form DSA 155 and submitted in accordance with the procedures described in PR 13-01.

2.5.3 Deviation Notices

(See CAC Section 4-342(b)6.) When the PI identifies deviations from the DSA-approved plans and specifications, they must verbally notify the contractor. If the deviation is not immediately corrected, the PI is required to promptly issue a written notice of deviation (form DSA 154) to the contractor and submit electronically as prescribed in PR 13-01. The PI shall contact DSA field staff by email at least 48 hours prior to scheduled work covering up uncorrected deviations. The status and resolution of all deviations must be documented on semi-monthly reports (form DSA 155).

2.5.4 Record of Communications to the Responsible Design Professional(s)

All uncertainties in the PI's or contractor's comprehension of, or identification of, seeming errors in the documents must be reported in writing (email is acceptable) to the responsible design professional(s).

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PERFORMANCE: 2019 CAC****2.5.5 Reporting for Projects with Work Stoppage**

This may be required in cases where DSA issues a Stop Work Order, Order to Comply, or a request for district/owner to stop work in accordance with *IR A-13: Stop Work and Order to Comply*. DSA may issue specific instructions to the PI for additional reporting and/or oversight of construction related to a documented noncompliant condition that is the cause of work stoppage.

2.5.6 Verified Reports

(See CAC Section 4-336.) The PI shall submit verified reports (forms DSA 152, DSA 6-PI and, when applicable, DSA 152-IPI) directly to DSA, the responsible design professional(s) and the school district as described in PR 13-01.

The PI must also communicate to applicable parties how they addressed issues noted in communications (e.g., field trip notes, notifications, telephone calls, emails, letters, etc.) from DSA representatives or design professionals.

2.6 Category 6 – Inspector's Monitoring of the Testing and Special Inspection Program

The PI is responsible for monitoring the work of the LOR and any SIs and other technicians hired directly by the school district, to ensure that all structural/materials testing and special inspections, and other pertinent non-structural tests or inspections required for the project are satisfactorily completed in accordance with the DSA-approved documents. The PI must be involved in coordination with the LOR and SIs hired directly by the school district to properly complete the testing and special inspection program.

The PI must monitor the following aspects of the project-related testing and inspections concurrently with construction:

1. When DSA approval for SIs is required for district-employed SIs, the PI must verify their approval, and identify and report any SIs on the jobsite that are not DSA-approved (i.e., lacking approved form *DSA 5-SI: Special Inspector Qualification and Approval*), on form DSA 155. The PI must contact the design professional in general responsible charge and the school district to resolve this as soon as possible. Immediately notify DSA if construction work commences or continues without appropriate special inspections.
2. The PI must verify that the LOR is district-approved (refer to form *DSA 102-IC: Construction Start Notice/Inspection Card Request*) and included on the *List of DSA Accepted Testing Laboratories* on DSA's website to perform the project-required tests and special inspections. If there are tests or special inspections the LOR is not qualified to perform, the PI must contact the design professional in general responsible charge and the school district to resolve this as soon as possible. Immediately notify DSA if testing or special inspections by the non-qualified LOR or their personnel commence or continue.
3. The PI must verify that the LOR, SIs and other inspection entities have received sufficient advance notification to perform the required material sampling, testing, or inspection.
4. The PI shall communicate expectations and basis of the work to be performed by the LOR and other inspection entities for the project.
5. The PI shall monitor all testing and inspection activities and is responsible for verifying that all required structural, fire and life safety, and other non-structural material sampling, testing and inspections are performed.

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- a. The PI's monitoring of performance of duties by other inspectors must include:
 - i. Verifying inspectors possess or have ready access to the DSA-approved construction documents pertinent to the work to be inspected.
 - ii. Verifying inspectors possess valid certifications for applicable disciplines.
 - iii. Periodically verifying inspections by others based on regulatory requirements.
- b. The PI's monitoring of the testing program must include:
 - i. Verifying test technicians and/or qualified representatives have the required equipment to perform all required tests (structural and non-structural).
 - ii. Verifying required testing equipment is calibrated as required.
- c. The PI shall consistently perform detailed reviews of all conforming and non-conforming daily inspection and test reports prepared by others for compliance with IR 17-12, as applicable. Reports prepared on site must be reviewed by the conclusion of the workday following the workday inspections/tests were performed. When inspections/tests are performed off-site by others, the PI must perform these same meticulous reviews the same day they receive these reports. The PI must communicate any deficiencies identified in the reports (i.e., required but missing information, conflicts, deviations, etc.) with the respective inspector/test technician immediately upon noticing, and ensure correction and/or clarification is provided promptly.

2.6.1 The PI is responsible for reviewing all structural/materials and fire and life safety-related test and inspection reports concurrently with construction. The PI must report on semi-monthly reports (using form DSA 155) the status and resolution of deviations (using form DSA 154) reported by any LOR, SI or test technician.

Some special inspections prescribed by CBC Chapter 17A may be performed by the PI. Those special inspections required by form DSA 103 which are performed by the PI, require detailed daily inspection reports be prepared by the PI per IR 17-12. In the event a non-conforming condition is identified, the PI must use form DSA 154 in accordance with PR 13-01 and, when applicable, attach a copy of the detailed daily special inspection report indicating non-complying work.

Those code-prescribed special inspections which may be performed by the PI or AI include the following:

1. Soils and Foundations:

For projects not having nor requiring a soils/geotechnical report:

- a. Site has been prepared properly prior to placement of controlled fill and/or excavations for foundations.
- b. Foundation excavations are extended to proper depth and have reached proper material.
- c. Materials below footings are adequate to achieve the design bearing capacity.

2. Structural wood framing:

- a. High-load diaphragms per CBC Section 1705A.5.1.
- b. Field installed bracing of metal-plate-connected wood trusses per CBC Section 1705A.5.2.

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**PROJECT INSPECTOR AND ASSISTANT INSPECTOR DUTIES AND
PERFORMANCE: 2019 CAC**

- c. Structural wood per CBC Section 1705A.11.1 for wind resistance, and Section 1705A.12.2 for seismic resistance.
- 3. Concrete pre-placement and placement per CBC Sections 1705A.3.5 and 1705A.3.6 for cast-in-place concrete pad or strip footings, stem walls, or non-structural slab-on-grade (e.g., the slab does not transfer lateral loads, miscellaneous site concrete, etc.). Items inspected or verified shall include all applicable compliance items in relevant sections in ACI 318, CBC Section 1705A.3, and Table 1705A.3 not assigned to the batch plant SIs or the LOR in the form DSA 103.
- 4. Cold-formed steel light-frame construction per CBC Section 1705A.11.2 for wind resistance, and Section 1705A.12.3 for seismic resistance, none of which involves welding of cold-formed steel,
 - a. **Exception:** Welding of cold-formed steel requires an SI unless DSA provides prior written approval for the PI to perform those special inspections.
- 5. Architectural components for seismic resistance per CBC Section 1705A.12.5.
 - a. **Exceptions:** The following require an SI unless DSA provides prior written approval for the PI to perform those special inspections:
 - i. Masonry veneer. (**Note:** The PI must have a DSA Masonry Special Inspector Certification to perform this special inspection.)
 - ii. Proprietary systems or products, including anchorage systems, having recognized code evaluation reports (see *IR A-5: Acceptance of Products, Materials and Evaluation Reports*) specifying special inspection. (**Note:** Prior written approval by DSA for the PI to perform special inspections is not required for anchorage of non-structural components identified as exempt in the Appendix of form DSA 103.)
- 6. Access floors per CBC Section 1705A.12.5.1.
- 7. Plumbing, mechanical and electrical component installation and anchorage for seismic resistance per CBC Section 1705A.12.6.
 - a. **Exception:** The following requires an SI unless DSA provides prior written approval for the PI to perform those special inspections:
 - i. Proprietary systems or products, including anchorage systems, having recognized code evaluation reports (see *IR A-5*) specifying special inspection. (**Note:** Prior written approval by DSA for the PI to perform special inspections is not required for anchorage of non-structural components identified as exempt in the Appendix of form DSA 103.)
- 8. Storage racks per CBC Section 1705A.12.7.
- 9. Exterior insulation and finish systems per CBC Section 1705A.16.
- 10. Fire-resistant penetrations and joints per CBC Section 1705A.17.

All special inspections performed by the PI shall be conducted continuously per CAC Section 4-342(b)1. If the PI is unable to provide both special inspections and fulfill other required duties due to time constraints, an AI or appropriately certified SI, as determined by DSA per CBC Sections 1703A.1 and 1704A.2.1, and CAC Section 4-335(f), shall be required. Sampling and testing of materials shall not be performed by the PI, except for small scopes of work in which DSA written approval occurs prior to conducting such per CAC Section 4-335(c).

IR A-8**PROJECT INSPECTOR AND ASSISTANT INSPECTOR DUTIES AND
PERFORMANCE: 2019 CAC****2.7 Category 7 – Supervision of Assistant Inspectors**

The PI must provide technical guidance to AIs and must verify AI comprehension of the construction documents. The PI must also monitor the AI's performance, verifying that the AI is properly inspecting the construction, recording inspections, and performing other assigned duties.

The PI must ensure that their AI is performing the duties indicated on the AI's approved form *DSA 5-AI: Assistant Inspector Qualification and Approval*. (See IR A-7.)

The PI must provide continuous onsite supervision of all AIs. The PI shall not assign the AI to inspect work at a project site when the PI will not be present unless special written DSA approval is obtained in advance.

Only DSA-certified Class 1 or 2 PIs are permitted to utilize AIs.

AIs are also responsible for ensuring that all code-prescribed inspection and administrative duties they are assigned to perform comply with the requirements established for PIs in this IR.

Both the PI and AI must keep a log of time spent on-site.

When an AI is utilized on a project, the PI and AI must both be identified on the form DSA 155.

3. DSA OVERSIGHT

Each DSA regional office has field engineers who conduct oversight of the project through review of documents and construction site visits. Each site visit typically includes the following:

3.1.1 Monitoring of the PI's administration and documentation of project activities.

3.1.2 Observation of construction.

3.1.3 Documentation of site visit findings using DSA field trip notes (form DSA 135).

3.2 Project Inspector Performance Review

The DSA field engineer may evaluate PI and AI performance of code required duties for, and administration of, the project using the form DSA 119. The purpose of the performance review is as follows:

To verify:

3.2.1 Continuous inspection of all work, including any portion performed by AIs.

3.2.2 Comprehension of the DSA-approved construction documents.

3.2.3 Proper monitoring of the entire testing and inspection program (structural and non-structural).

3.2.4 Proper PI supervision of AIs.

3.2.5 Proper communications/notifications to DSA and others as well as response to, or appropriate action taken, based on prior DSA communications.

3.2.6 Completeness of PI records as described in the job file list in Section 2.1 above.

To communicate:

3.2.7 With the PI and responsible design professional regarding the PI's performance.

3.2.8 Any project documentation or other issues during construction, such as PI's proper noting and communication of deviations and their resolutions, to facilitate timely project certification.

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**PROJECT INSPECTOR AND ASSISTANT INSPECTOR DUTIES AND
PERFORMANCE: 2019 CAC**

The form DSA 119 is a project record which is maintained in DSA project files as well as posted both in DSA's electronic submittal system (DSAbbox) and the Project Inspector Performance Review Box.

3.3 Observation of Construction by DSA

The DSA field engineer conducts a site walk to make observations as necessary to ascertain that inspections have been completed diligently. During the site visit, the DSA field engineer may provide guidance to the PI, as needed, to ensure enforcement of the DSA-approved construction documents and CAC.

3.4 DSA Field Trip Notes

At the conclusion of the site visit, the DSA field engineer issues a field trip note (form DSA 135) as described in PR 13-01. The field trip note indicates any findings by the field engineer that require action by the PI and/or the design professional(s) to ensure project compliance with Field Act requirements. The field trip note may include informational comments, including construction status and guidance provided to the PI. The field trip note becomes a part of DSA's project records.

REFERENCES:

2019 California Code of Regulations (CCR) Title 24

Part 1: California Administrative Code (CAC) Sections 4-211, 4-212, 4-214, 4-219, 4-240, 4-241, 4-242, 4-333, 4-333.1, 4-334, 4-335, 4-336, 4-337, and 4-342

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is subject to revision at any time. Please check DSA's website for currently effective IRs. Only IRs listed on the webpage at www.dgs.ca.gov/dsa/publications at the time of project application submittal to DSA are considered applicable.

**STOP WORK AND
ORDER TO COMPLY****IR A-13****References:**

California Code of Regulations (CCR), Title 24
Part 1, California Administrative Code, Section 4-334.1 and 4-237.1
California Education Code, Sections 17307.5 and 81133.5
California Health and Safety Code, Section 16017.5

Revised in its entirety 12-01-12
Revised 10-12-11
Issued 04-05-07

This Interpretation of Regulation (IR) outlines Division of State Architect's procedures for implementation of Stop Work authority.

This IR is subject to revision at any time. Please check the DSA website at www.dgs.ca.gov/dsa/publications for currently effective IR's.

Background: The Division of the State Architect (DSA) may issue a Request for District/Owner to Stop Work, a Stop Work Order or an Order to Comply, when either of the following occurs:

- construction proceeds without DSA approved construction documents; or,
- construction proceeds without a DSA certified project inspector specifically approved by DSA for the project.

In addition, DSA may issue a Request for District/Owner to Stop Work, a Stop Work Order or an Order to Comply, to stop and/or correct work that is not in compliance with approved documents, and ensure that non-compliant construction is not concealed by subsequent work.

DSA may also issue a Request for District/Owner to Stop Work, a Stop Work Order or an Order to Comply, in any other circumstances where DSA determines that construction work is not being performed in accordance with applicable rules and regulations, and would compromise the structural integrity of the building, thereby endangering the public safety.

DSA will not issue a Request for District/Owner to Stop Work, Order to Comply or a Stop Work Order for incidental or minor structural work.

A **Request for District/Owner to Stop Work** provides the District/Owner an opportunity to voluntarily stop work to correct non-compliant construction and prevent such construction from being concealed by subsequent work.

A **Stop Work Order** is an official stoppage of work by DSA, subject to provisions of law enforced by the Office of the Attorney General.

An **Order to Comply** provides a process for DSA to notify the District/Owner of a non-compliant condition which, if unresolved, will compromise the structural integrity of the building.

Dependent upon specific project circumstances, and at the sole discretion of DSA, DSA may issue any or all of the three procedures (a Request/Owner to Stop Work, a Stop Work Order or an Order to Comply) to ensure compliant construction.

DSA will generally issue a Request for District/Owner to Stop Work prior to issuing a Stop Work Order. However, a Stop Work Order may be issued by DSA without prior issuance of a Request for District/Owner to Stop Work or an Order to Comply. When circumstances permit, an Order to Comply may be issued to allow the District/Owner the opportunity to correct the deficient work within a defined timeline prior to DSA's issuance of a work stoppage.

Depending upon the circumstances, DSA may request to stop work on the entire project or on a specific area of the project.

1. Procedures for Request for District/Owner to Stop Work ("Request"):**1.1 Initiation of DSA Request**

Once DSA becomes aware of a non-compliant construction or construction performed without required testing and/or inspection, the DSA Field Supervisor or Regional Manager will contact the District/Owner by phone or in person to discuss the concerns and request the District/Owner to stop work. The purpose of the work stoppage is to:

- Ensure the non-compliant construction does not continue unless corrected;
- Correct the non-compliant work already constructed and not allow for it to be concealed by subsequent work; and,
- Conduct any required testing and inspection before the construction is concealed by subsequent work.

DSA and District/Owner will determine the scope of work to be suspended and the schedule for work stoppage, and discuss actions required of the design professional in responsible charge and the project inspector.

DSA will then issue the Request by e-mail with copies provided to the design professional in general responsible charge and project inspector. The Request shall summarize the discussion and provide DSA contact information for all subsequent communications. DSA may issue written instructions to the project inspector, if necessary, at this time.

The Request will inform the District/Owner that if work is not stopped by District/Owner in accordance with the timeline established, DSA will issue a Stop Work Order.

1.2 District/Owner Response to DSA Request

In response to DSA Request, the District/Owner shall send written correspondence to DSA containing the following acknowledgements:

- District/Owner will direct the contractor in writing to stop work, and provide a copy of the directive to DSA;
- District/Owner will direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required;
- District/Owner will not permit re-start of construction of work affected by the non-compliant condition(s) without written notification from DSA that the issue has been resolved to DSA's satisfaction.

1.3 Corrective Plan

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a corrective plan that outlines actions required to correct non-compliant condition and provides a schedule for actions required;
- Submit the corrective plan to DSA for review and approval;
- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

1.4 Implementation of Corrections

- Upon receipt of DSA approval for the corrective plan and any documents requiring DSA approval, the District/Owner may authorize corrective work to proceed.
- DSA approved project inspector shall monitor the corrective work and document construction activities by the means of daily reports (or other method of documenting continuous inspection), and semi-monthly reports submitted to DSA.

1.5 Resolution of DSA Request for District/Owner to Stop Work

- Upon completion of corrections, the District/Owner shall notify DSA of its intent to resume construction.
- DSA will review any applicable records, confer with the project inspector, and will conduct a site visit, if necessary, to determine whether the issue has been resolved and whether construction can proceed without compromising the structural integrity of the building(s). Upon such determination, DSA will issue a Rescission to the Request for District/Owner to stop work, by e-mail, with a copy to design professional and project inspector, concluding that the matter is resolved and DSA has no objection to construction resuming.

2. Stop Work Order:**2.1 Initiation of Stop Work Order**

DSA may issue a Stop Work Order when construction work on a public school project is not being performed in accordance with applicable rules and regulations, and:

- DSA determines that there is an immediate need to stop work to mitigate non-compliant condition that compromises the structural integrity of the structure thereby endangering public safety; and/or,
- Previously issued Request for District/Owner to Stop Work and/or Order to Comply did not resolve the non-compliant condition.

The DSA Regional Manager will contact the District/Owner by phone or in person to discuss the concerns and inform the District/Owner that a Stop Work order is being issued. The templates for Stop Work Order and Notice (to be posted on the job site) are attached for reference.

The Stop Work Order will be signed by the State Architect, the Deputy State Architect, or a designated representative and delivered to the District/Owner by certified mail with return receipt requested. Copies will be sent to the project inspector, design professional in responsible charge, and to the Office of the Attorney General.

DSA may issue written instructions to the project inspector, if necessary, at this time.

2.2 District/Owner Response to Stop Work Order

Upon receipt of the Stop Work Order, the District/Owner shall do the following:

- Post the Stop Work Notice in prominent location(s) on the project site in the vicinity of the affected work;
- Verify that the contractor has stopped work, as specified;
- Direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required;
- Not permit the re-start of construction of work affected by the deficiency without written notification from DSA that the corrective work has been resolved to DSA's satisfaction.

District/Owner shall send written correspondence to DSA with confirmation of work stoppage, direction provided to the design professional and an acknowledgement that work will not be permitted to re-start without DSA approval.

2.3 Enforcement of Stop Work Order

If work does not stop immediately upon issuance of a Stop Work Order or resumes prior to DSA rescission of the Stop Work Order, the matter will be referred to the Office of the Attorney General for enforcement.

2.4 Corrective Plan

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a plan that outlines actions required to correct non-compliant condition and provides a schedule for actions required;
- Submit the corrective plan to DSA for review and approval;
- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

2.5 Implementation of Corrections

- Upon receipt of DSA approval for the corrective plan and any documents requiring DSA approval, the District/Owner may authorize corrective work to proceed.
- DSA approved project inspector shall monitor the corrective work, if applicable, and document construction activities by the means of daily reports (or other method of documenting continuous inspection), and semi-monthly reports submitted to DSA.

2.6 Rescission of Stop Work Order

- Upon completion of corrections, the District/Owner shall notify DSA and request a rescission of the Stop Work Order.
- DSA will review the any applicable records, confer with the project inspector, and will conduct a site visit, if necessary, to determine whether the issue has been resolved and whether construction can proceed without compromising the structural integrity of the building(s). Upon such determination, the State Architect, the Deputy State Architect, or a designated representative will notify, by mail, the District/Owner and all applicable parties that the matter is resolved and Stop Work Order is rescinded. A courtesy copy may be sent by e-mail.
- Upon receipt of DSA rescission of Stop Work Order, the District/Owner may remove Stop Work Order notices from project site.

3. Order to Comply:

3.1 Initiation of Order to Comply

Order to Comply may be issued when a non-compliant condition exists and, if not corrected, will compromise the structural integrity of the building and endanger public safety.

Examples:

1. The District/Owner retained a testing facility that is not accepted by DSA, while no materials testing is scheduled to start for a period of time. In that case, DSA will not require work to be stopped, and will, in turn, issue an Order to Comply.
2. Deficient construction has been performed that can be remedied without stopping any other work (i.e. deficient construction will remain accessible for repair and inspection). DSA will issue an Order to Comply to facilitate compliance but will not stop subsequent construction as long as it does not compromise structural integrity of the building.

In addition, DSA may issue an Order to Comply when there are unresolved issues that were not addressed by a voluntary work stoppage by District/Owner.

The DSA Field Supervisor or Regional Manager may first contact the District/Owner by phone to discuss the concerns and then follow with an Order to Comply, distributed by e-

mail, with copies provided to design professional in general responsible charge and project inspector. The Order shall contain the following:

- Description of the non-compliant condition to be resolved;
- Outline of scope of work that is impacted by the non-compliant condition and shall not continue without correction of non-compliant condition;
- A timeline for a response to DSA.

DSA may issue written instructions to the project inspector, if necessary, at this time.

3.2 District/Owner Response to the Order to Comply

In response to the Order to Comply, the District/Owner must direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required.

In addition, the District/Owner must send written correspondence to DSA, within the timeline specified by DSA, containing the following acknowledgements:

- District/Owner has directed the design professional to prepare a corrective plan, as specified above; and,
- District/Owner will not proceed or continue with any work affected by the non-compliant condition(s) without written notification from DSA that the issue(s) has been resolved to DSA's satisfaction.

3.3 Corrective Plan

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a plan that outlines actions required to correct non-compliant condition and provides a schedule for proposed work;
- Submit the corrective plan to DSA for review and approval;
- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

3.4 Implementation of Corrections

- Upon receipt of DSA approval for the corrective plan and any documents requiring DSA approval, the District/Owner may authorize corrective work to proceed.
- DSA approved project inspector shall monitor the corrective work, if applicable, and document construction activities by the means of daily reports (or other method of documenting continuous inspection), and semi-monthly reports submitted to DSA.

3.5 Rescission of Order to Comply

- Upon completion of corrections, the District/Owner shall notify DSA and request a rescission of the Order to Comply.
- DSA will review the any applicable records, confer with the project inspector, and will conduct a site visit, if necessary, to determine whether the issue has been resolved and whether construction can proceed without compromising the structural integrity of the building(s). Upon such determination, DSA will issue a notification by e-mail to District/Owner, with a copy to design professional and project inspector, that the matter is resolved and the Order to Comply is rescinded.

4. Stoppage of Work in Off-Site Facilities:

School buildings or building components being constructed in fabrication (manufacturing) facilities, including but not limited to relocatable school buildings or modular components, are subject to the same processes described in the previous sections.

The District/Owner contracting with the fabrication facility shall be responsible for enforcing the stoppage of work and ensuring that work is corrected. In such cases, in-plant inspectors shall assume project inspector duties as specified in previous sections.

APPENDICES**Appendix 1** - DSA Template SW3 - Stop Work Order Letter**Appendix 2** - DSA Stop Work Order Notice



Appendix 1 - DSA Template SW3 - Stop Work Order Letter



Division of the
State Architect
CALIFORNIA DEPARTMENT OF GENERAL SERVICES

Oakland Office
1515 Clay Street, Suite 1201 | T 510.622.3101
Oakland, CA 94612 | F 510.622.3140
www.dgs.ca.gov/dsa

DSA File #: FILE NO.
Application #: APP. NO.

Sent by e-mail and certified mail

DATE

NAME

TITLE

DISTRICT NAME DISTRICT TYPE

ADDRESS

CITY, CA ZIP

RE: STOP WORK ORDER for PROJECT NAME

Dear MR/MS NAME:

You are hereby ordered to stop construction work on the SCOPE OF WORK because work is being performed that is not in compliance with applicable rules and regulations and may compromise structural integrity of the building thereby endangering public safety.

This notice is issued pursuant to California Education Code section APPLICABLE CODE SECTION and California Building Standards Administrative Code, Title 24, Part 1, Section 4-334.1.

Enclosed is a STOP WORK NOTICE that you are required to post in prominent locations on the construction project site or surrounding the defined areas affected by the non-compliant work. If work does not stop immediately the matter will be referred to the Office of the Attorney General for enforcement action.

The following constitutes the non-compliant condition that is the basis for this Stop Work Order:

Describe non-compliant construction. Include reference to drawing details, specifications sections, and/or CBC sections/Standards to clarify how construction is non-compliant. For Part 1 violations, provide references to applicable regulations.

This Stop Work Order applies to SCOPE

Describe the areas/buildings, where construction must stop and the scope of work that cannot proceed as it will conceal the non-compliant condition.

Upon receipt of this Stop Work Order, the District shall do the following:

- Post the Stop Work Order Notice in prominent location(s) on the project site in the vicinity of the affected work;
- Verify that the contractor has stopped work, as specified;
- Direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required;
- Not permit the re-start of construction of work affected by the deficiency without written notification from DSA that the corrective work has been resolved to DSA's satisfaction.
- Send written correspondence to DSA with conformation of work stoppage, direction provided to design professional, and an acknowledgement that work will not be permitted to re-start without DSA approval.

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a plan that outlines actions required to correct non-compliant condition and provides a schedule for proposed work;
- Submit the corrective plan to DSA for review and approval;



Appendix 1 (cont.) - DSA Template SW3 - Stop Work Order Letter

NAME

DISTRICT NAME

- 2 -

DATE

- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

This Stop Work Order will be rescinded when corrections are satisfactorily completed in accordance with DSA approved documents and under the inspection of a DSA approved project inspector. Please refer to DSA Interpretation of Regulations A-13, available on DSA web site, for additional details.

Please direct all questions and correspondence on this matter to NAME at E-MAIL ADDRESS or TELEPHONE NUMBER.

Sincerely,

NAME

State Architect

cc: NAME – Project Inspector
NAME – Design Professional in General Responsible Charge
NAME – School District Facilities Director
NAME – Regional Manager
NAME – Deputy State Architect
NAME – Field Supervisor
NAME – Field Engineer
NAME – Supervisor, DSA Structural Codes & Standards
NAME – DSA Legal Counsel
NAME – Attorney General

Enclosure



Appendix 2 – DSA Stop Work Order Notice (to be completed by DSA)

CALIFORNIA DEPARTMENT OF GENERAL SERVICES DIVISION OF THE STATE ARCHITECT		DGS STOP WORK ORDER
<small>This notice is issued pursuant to: Section 4-334.1 of the California Building Standards Administrative Code, CCR Title 24, Part 1, Sections 17307.5 and 81133.5 of the California Education Code, and Section 16017.5 of the California Health and Safety Code.</small>		Application # <input type="text"/> File # <input type="text"/>
STOP WORK ORDER	School District/Owner: <input type="text"/>	Date of Notice: <input type="text"/>
Project: <input type="text"/>	Stop Work Order Issued by: <input type="text"/>	
Project Address: <input type="text"/>	State Architect or Authorized Representative: <input type="text"/>	
<div>ALL WORK (AS NOTED BELOW) MUST CEASE IMMEDIATELY. Any person who works on this building/structure or area after having been served this stop work order, shall be subject to penalties prescribed by law, unless that person is authorized to remove a violation or unsafe condition.</div>		
Contact DSA <input type="text"/> Regional Office at (<input type="text"/>) <input type="text"/> - <input type="text"/> if any questions		
<div>DESCRIPTION OF AFFECTED WORK: <input type="text"/></div>		
No person shall remove, or obstruct the visibility of this notice unless authorized by DSA		
DSA-351 (12-01-12)		STOP WORK ORDER NOTICE



IR A-22

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Disciplines: Structural, Fire and Life Safety,
Accessibility

History: Revised 02/03/23
Original Issue 08/15/08

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE

This Interpretation of Regulations (IR) clarifies when plans and specifications for alteration, reconstruction or small new construction projects on existing public (K–12) school and community college sites are not required to be submitted to DSA for review and approval, and to clarify project inspection, testing and DSA construction oversight requirements for such projects. This IR is not applicable to state-owned or state-leased essential services facilities.

BACKGROUND

Certain alteration, reconstruction or small new construction projects on existing public (K–12) school and community college sites, regardless of previous construction date, may be exempt from DSA plan review and approval and construction observation as described in this IR. **When authorizing construction of exempt projects, the school district assumes responsibility to assure compliance with all code provisions.** In authorizing and completing the design and construction of exempt projects, the school board assumes the responsibility for employing appropriately licensed architects or registered engineers to prepare the construction documents. The school district also assumes the responsibility for employing inspectors and laboratories to provide for the required testing and inspection of materials and work of construction.

For this IR, “design professional in responsible charge” or “design professional” shall mean the architect, structural engineer, or professional engineer (e.g., mechanical engineer for mechanical-only projects; electrical engineer for electrical-only projects) who is responsible for the completion of the project design work. Architects and engineers providing project design and/or construction oversight must be licensed to practice in California as required by the rules governing the licensing of architects and engineers and in accordance with *IR A-19: Design Professional’s Signature and Seal (Stamp) on Construction Documents*. See California Business and Professions Code Sections 6735 and 5535 through 5538.

DSA concurrence that a project is exempt is not required; however, written concurrence may be requested in accordance with DSA Procedure (PR) 14-02: *Exempt Concurrence*. Refer to Section 2.1.2 below for exempt items which are submitted as part of a larger project.

1. CALIFORNIA BUILDING STANDARDS CODE COMPLIANCE

All public school construction projects, including exempt projects, must comply with the currently effective Title 24, California Code of Regulations (CCR) as adopted and amended by the State Fire Marshal and DSA, or where denoted in this IR as adopted by the California Building Standards Commission (CBSC).

Exception: For reconstruction projects due to fire damage, Education Code, Section 17280 allows using construction documents approved for the original construction. (See *IR A-32: Partial Demolition* for additional information.) Reconstruction cost thresholds noted in Section 1.3.2 below apply. However, such work is considered an alteration project for Access Compliance (AC) requirements and will require access compliance review and approval.

IR A-22

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Note: For the purposes of this IR, unless noted otherwise, project construction cost shall be the entire contracted scope of work, including exempt items (see *IR A-23: Construction Cost Reporting and DSA Fees* for DSA fees based on project construction costs).

1.1 “Access Only” Projects

Projects receiving only access compliance review and approval from DSA do not receive DSA construction oversight, nor certification. School districts should be aware this may lead to DSA approval difficulties for future projects relying on that prior completed construction work as an existing compliant path of travel (see *PR 15-01: Required Information for Path of Travel Upgrades on Construction Documents*) or unreasonable hardship determinations (see *IR 11B-10: Scoping and Path of Travel Upgrade Requirements for Facility Alteration, Addition and Structural Repair Projects*).

1.2 Project Exempt Based on Project Scope Regardless of Construction Cost and Subject to Title 24, CCR Adopted by CBSC

The work in Sections 1.2.1 through 1.2.3 below do not require DSA structural (SS) and fire and life safety (FLS) review and approval and construction oversight and are exempt from the Field Act. This work shall comply with all currently effective design, construction, inspection and material testing provisions of the CCR, Title 24, as adopted by CBSC. Plans and specifications shall be prepared by appropriately licensed architects or registered engineers. It is acceptable, though not required, to use DSA-certified inspectors and Laboratory Evaluation and Acceptance (LEA)-accepted laboratories to meet applicable verification requirements of materials and construction work; however, adequate testing and inspections must be provided per the CCR, Title 24, as adopted by CBSC.

1.2.1 Structures or items not considered a school building per California Administrative Code (CAC), Section 4-314 and identified in the Appendix below. DSA access review may be required per the Appendix.

1.2.2 Non-school structures per CAC Section 4-310 and maintenance of those structures. In accordance with CAC Section 4-310, a copy of the resolution passed by the school board shall be submitted to DSA, and the signage restricting pupil and teacher entry and stating the structure or building does not meet the structural standards imposed by law for earthquake safety shall be posted on these non-school structures. Additionally, measures shall be taken to prevent such use and prevent injuries to pupils or teachers as a result of collapse of such structures. Protection is most commonly provided utilizing fencing located a distance away from the structure's perimeter at least equal to the structure height. DSA access compliance review may be required per the Appendix.

1.2.3 Charter schools not funded under the Charter School Facilities Program (CSFP), administered by the Office of Public School Construction (OPSC), in accordance with DSA Policy (PL) 17-01: *Charter Schools Enforcement Jurisdiction*.

1.3 Project Exempt Based on Project Scope, and for Reconstruction and Alteration to School Buildings Project Cost, and Subject to Title 24, CCR Adopted by DSA

Unless otherwise noted, the work in Sections 1.3.1 through 1.3.3 below do not require DSA review and approval and construction oversight. However, this work shall comply with all currently effective design, construction, inspection and material testing provisions of Title 24, CCR, adopted by DSA. Construction documents shall be prepared appropriately by a California licensed or registered design professional and shall comply with Section 2 below. Inspection shall be performed by a DSA-certified project inspector. Material testing shall be performed by a laboratory accepted under the DSA LEA Program.

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

1.3.1 Maintenance work per CAC Section 4-315 as defined in CAC Section 4-314.

1.3.2 Reconstruction or alteration projects to school buildings less than specified construction cost thresholds.

Note: Site improvement projects and solar system installation or alteration projects, are not exempt under the construction cost threshold exemptions.

1.3.2.1 SS, FLS and Access (AC) reconstruction or alteration projects not in excess of \$125,113 in cost for 2023 (adjusted annually per CAC Section 4-308 by using the first January issue of *Engineering News-Record's U.S. 20 City Construction Cost Index*).

1.3.2.2 SS and FLS reconstruction or alteration projects in excess of \$125,113 but less than \$281,504 in cost for 2023 (adjusted annually per CAC Section 4-309(a) same as Section 1.3.2.1 above) when **all** of the following conditions are met:

1.3.2.2.1 A California-registered structural engineer shall examine the project and prepare a written statement certifying that the project does not contain any work of a structural nature. Work of a structural nature includes modifications to the building structure and any new or changes to nonstructural components attached to the building structure that are required by the California Building Code (CBC) to resist structural loads, such as equipment, ceilings, partitions, cabinets, veneer, solar systems or elements, etc. The statement must attest that the work does not cause any alteration or reconstruction of structural elements nor trigger structural rehabilitation per CAC Section 4-309(c). This statement shall bear the signature and stamp or seal of the structural engineer and shall be filed with the appropriate DSA regional office.

1.3.2.2.2 The design professional in responsible charge of the project shall prepare a statement certifying that the plans and specifications (1) contain no work that is regulated by the accessibility standards of Title 24, (2) contain no work that triggers accessibility upgrades to existing buildings or facilities and (3) meet all applicable fire and life safety standards. This statement shall bear the signature and stamp or seal of the design professional and shall be filed with the appropriate DSA regional office.

1.3.2.2.3 Within 10 days of the project completion, a DSA-certified project inspector shall sign and submit a verified report, form *DSA 999: Inspection Verified Report for Projects Exempt from DSA Approval*, to DSA indicating that the completed project is in conformance with the plans and specifications. For other exempt alteration or reconstruction projects, form DSA 999 is **not** required.

1.3.2.3 Project Cost Determination

For projects under Section 1.3.2 above, the construction cost shall be determined at the completion of project design (to be included on the form *DSA 1: Application for Approval of Plans and Specifications*) and at the completion of construction. If the final actual project cost exceeds the specified cost thresholds, the project is no longer exempt and will require submittal to DSA for approval and construction oversight.

For the purpose of determining project cost, the scope of the project shall be limited to construction on one site only.

In accordance with Education Code, Section 17280, the construction cost used in determining exemption from DSA review shall not include the cost of air-conditioning equipment (see **Note 1** below) and insulation materials (see **Note 2** below), and installation cost of such equipment and materials when such installation does not cause structural alterations (see **Note 3** below) to a school building (i.e., affects primary or secondary framing members). In cases where such installation causes structural alterations to a school building, the provisions of CAC Section 4-309 will apply and the project may require DSA review and approval.

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW**Note 1**

For purposes of this provision, air-conditioning equipment includes heating, ventilation and air-conditioning (HVAC), air-conditioning units, heating units, or ventilation units, and does not include ductwork or utility services (i.e., electrical and/or gas service) to the equipment.

Note 2

For purposes of this provision, insulation materials must be of the same type as previously installed in accordance with building standards.

Note 3

For purposes of this provision, the exclusion of HVAC-related cost is valid only when a determination of no structural alteration is made by a California-registered structural engineer in accordance with requirements of Section 1.3.2.2.1 above.

1.3.2.4 Subdivision of Projects Prohibited

Construction projects shall not be subdivided for the purpose of obtaining exemption from DSA review and approval.

1.3.3 Certain partial demolition work identified in IR A-32 as exempt from DSA review.

1.3.4 Projects Not Limited by Construction Costs

For projects in which the scope of work consists entirely of exempt structures or items not considered a school building or maintenance listed in the Appendix, the estimated construction cost limitations per CAC Sections 4-308 and 4-309(a) will not apply.

2. CONSTRUCTION PROJECTS AND ITEMS ELIGIBLE FOR EXEMPTION

Where indicated in Section 1 above, see Appendix for a list of construction projects and items eligible for exemption from DSA SS, FLS and/or AC plan review and approval and construction oversight. Footnotes clarify any special conditions.

2.1 Items listed in the Appendix are exempt only when complying with one of the following:

2.1.1 The item(s) constitutes the entire scope of a project.

2.1.2 The item(s) is part of a set of plans submitted to DSA for approval for a larger school project and Item 2.1.2 below and, when applicable, Item 2.1.2.2 below are provided:

2.1.2.1 A note on the construction documents stating the item(s) is “not part of the DSA approval.” Without this note, DSA will treat this item(s) as described in Section 3 below.

2.1.2.2 For occupiable buildings identified in the Appendix, a letter by the school district board, superintendent, or facilities director acknowledging the item will not be approved or certified by DSA.

3. VOLUNTARY SUBMITTAL

This interpretation does not preclude a design professional or school district from choosing to submit plans and specifications for exempt projects defined in Section 1 above, with the appropriate fee, to DSA for review. Voluntary submittal of an exempt project or item will trigger full DSA plan review for code conformance and construction oversight, including inspections and materials testing.

4. EXEMPT PROJECT CERTIFICATION REQUIREMENTS

DSA will neither supervise nor certify the construction for exempt projects not submitted to DSA or for projects consisting of access compliance work only, and, except as noted in Section 1.3.2 above, the reporting requirements for certification of construction per the CAC will not be required to be submitted to DSA.

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW
Appendix – Construction Projects and Items Eligible for Exemption
Disclaimer

If using assistive technology to read this document, please adjust your settings to recognize footnotes.

Project Description	Is SS Review Required?	Is AC Review Required?	Is FLS Review Required?	IR Section Reference
1. Cell or antenna towers and poles less than 35 ft. tall supported on grade (lighting poles, flag poles, poles supporting open mesh fences, etc.).	No ⁷	No	No ^{7, 18}	1.2.1
2. Cell or antenna towers and poles 35 ft. tall or greater supported on grade.	Yes ⁶	No	Yes ¹⁸	-
3. Soil retaining walls less than four feet tall above the top of foundation without surcharge or a sloping backfill.	No	No	No	1.2.1
4. Baseball dugouts less than 250 sq.ft. of interior floor area with lightweight roof construction.	No	Yes ¹	No	1.2.1, 2.1.2
5. Ball walls or yard walls less than six feet above grade.	No	Yes ^{4, 12}	No ¹⁸	1.2.1
6. The following free standing elements with apex less than eight feet above adjacent grade: signs, variable message signs and scoreboards.	No	No ³	No	1.2.1
7. Solid clad fences of which the apex is less than eight feet above the highest adjacent grade and not constructed of concrete or masonry.	No	Yes ⁴	No ¹⁸	1.2.1
8. Bleachers and grandstands five rows of seats or less with the first row starting at ground level.	No	Yes ^{2, 12}	No	1.2.1
9. Ancillary accessory facilities to athletic fields (one-story, not over 250 sq.ft. of floor area, used for equipment storage [no fuel or flammable storage allowed, except that amount necessary for maintenance purposes and operation of equipment], toilets, snack bar, ticket booths, etc.).	No	Yes ^{2, 12}	No	1.2.1, 2.1.2
10. Playhouses less than 250 sq.ft. of floor area and playground equipment of any size.	No ¹⁵	Yes ^{2, 12}	No ²⁵	1.2.1, 2.1.2
11. Open-mesh baseball backstops less than 35 ft. in height consisting of cantilevered pole systems.	No ⁷	Yes ^{4, 12}	No ⁷	1.2.1
12. Open-mesh fences less than 35 ft. in height or ornamental and security fencing with spaced rails and pickets less than eight feet in height not	No ⁷	Yes ⁴	No ^{7, 18}	1.2.1

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Project Description	Is SS Review Required?	Is AC Review Required?	Is FLS Review Required?	IR Section Reference
affecting egress.				
13. New or replacement of exterior walking surfaces.	No	Yes ¹²	No ¹⁸	1.2.1
14. Landscaping consisting of vegetation, irrigation and ground cover.	No	No ²³	No	1.2.1
15. Replacement in-kind of mechanical (including, but not limited to, heating, ventilation, air-conditioning) and electrical units.	No ⁹	No ^{13, a}	No ^{9, b, c}	1.3.1
16. Replacement of plumbing fixtures.	No ⁹	Yes ¹²	No ⁹	1.3.1
17. Cosmetic maintenance work such as painting, wallpapering, etc., as defined in Title 24, Part 1, Section 4-314.	No	No	No	1.3.1
18a. Replacement of interior floor coverings of like material.	No	No ³²	No	1.3.1
18b. Replacement of interior floor coverings: change of floor material.	No	Yes ³³	No	1.3.1
19. Installation or replacement of synthetic (artificial turf) play fields or running tracks.	No	Yes ¹²	No	1.2.1
20. Installation of new parking areas.	No	Yes ¹²	No ¹⁸	1.2.1
21a. Installation of new surface over existing parking areas (such as asphalt overlays or seal coat) last improved prior to January 1, 2014.	No	Yes ³⁴	No ^{18, 26}	1.2.1
21b. Installation of new surface over existing parking areas with matching striping (such as asphalt overlays or seal coat) last improved January 1, 2014 and later.	No	No	No ^{18, 26}	1.2.1
22. Removal and replacement of existing parking area surface.	No	Yes	No ^{18, 26}	1.3.1
23. Batting cages with open-mesh sidewalls and loose netting roof: batting cages consisting of cantilever poles with loose netting sidewalls and roofs.	No	Yes ^{2, 12}	No	1.2.1, 2.1.2
24. Reroofing with in-kind roof or "cool" roof or replacing with light-weight, non-metal, non-tile roof and insulation system.	No ¹⁰	No ¹¹	No ^d	1.3.1
25. Weatherization/caulking.	No	No ¹¹	No	1.3.1
26. Window glazing replacement only (does not include the replacement of the window frame assembly or affect window operability, fire rating, or safety glazing).	No	No ¹¹	No	1.3.1

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Project Description	Is SS Review Required?	Is AC Review Required?	Is FLS Review Required?	IR Section Reference
27. Window shading devices–window screens (applied to glazing only), and solar shading devices as furnishings and requiring no structural attachment.	No	No ^a	No ²⁷	1.3.1
28. Energy Management Systems.	No	No ¹³	No	1.3.2
29. Lighting upgrade of buildings: re-lamping, ballast replacement, luminaire replacement.	No	No ^{13, a}	No	1.3.1
30. Crossarm and/or luminaire replacement on light poles greater than 35 ft in height.	Yes ⁶	No ¹³	Yes ⁶	-
31. Water-heating upgrades, not including solar thermal installations on roofs.	No ¹⁷	No ¹³	No ^b	1.3.1
32. Small skylights, including tubular, installations for which no structural framing member is altered or penetrations of fire-resistance-rated assemblies.	No ¹⁴	Yes ¹²	No	1.3.2
33. Fire alarm systems: Includes new systems and replacements or alterations to existing systems.	No	No ⁸	Yes ⁸	-
34. Greenhouses, barns and materials or equipment storage sheds used exclusively for plant or animal production or protection and not used for classroom instruction.	No ²⁰	Yes ^{12, 20}	No ²⁰	1.2.1, 2.1.2
35. Temporary student constructed structures not located within a building.	No ²¹	No ²¹	No ²¹	1.2.1, 2.1.2
36. Buildings or structures used solely for housing, warehouses and storage buildings, buses and minor mechanical equipment or for non-school use where such buildings or structures do not provide facilities for either pupils or teachers and are not intended to be entered by them as such for school purposes.	No	Yes	No	1.2.2, 2.1.2
37. On locations separated from school sites (Note: if located on school sites, such shall not be exempt): residential dwelling units for school district employees; district-wide administrative buildings.	No ¹⁹	Yes ¹⁹	No ¹⁹	1.2.2, 2.1.2
38. School-based health centers, social services, or support services qualifying under the provisions of Ed Code 17296.	No ^{19, 22}	Yes ^{19, 24}	No ^{19, 22}	1.2.2, 2.1.2

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Project Description	Is SS Review Required?	Is AC Review Required?	Is FLS Review Required?	IR Section Reference
39. Underground utility replacement in-kind of water piping and sewer (including, but not limited to, septic tanks and leach fields).	No ³⁰	No ^{29, 30}	No ^{18, 30}	1.3.2
40. Site improvements only involving grading, fill placement, paving, storm drains, or other work not supporting structures nor involving their utilities.	No ²⁸	Yes	No ^{18, 28}	1.2.1
41. New installations or alterations to roof- or ground-mounted solar systems, elements, equipment, storage devices and associated utilities.	Yes ³¹	Yes ³¹	Yes ³¹	1.3.2
42. Installation of or alteration to underground fire service water piping for fire hydrants or automatic fire protection systems.	No	No	Yes	1.3.2
43. Installation of or alteration to underground conduits containing fire alarm system conductors or cables.	No	No	Yes	1.3.2

Notes:

1. Baseball dugouts of any size and construction are not exempt from AC review.
2. Required for all; specified area limits, height limits, or construction materials provide no exception for AC review.
3. AC review of variable message signs is required if scoping provisions of CBC Chapter 11B require compliance. Scoping provisions apply only to variable message signs for transportation facilities and buildings designed as emergency shelters.
4. AC review required to determine if an accessible route is affected by, required to the area, or crosses the installation of the wall, fence or gate.
5. Not used.
6. For any component, regardless of size, type, or cost, added to an existing tower or pole, the tower or pole and the component connection to the tower or pole will require DSA SS and FLS review. The cost exemptions of Section 1.3.2 above do not apply since this work is an addition and not an alteration. Installation of additional cellular equipment or replacement of existing cellular equipment mounted at grade will require DSA review unless the equipment is confined within an enclosed (fenced) area previously approved and certified by DSA for cell tower equipment, and the equipment is located a minimum distance from the fence equal to the height of the structure.
7. If open-mesh fences or backstops exceeding eight feet in height are clad with windscreens, slats, signs, or similar attachments, DSA SS and FLS review will be required.
8. Review of fire alarm system components that affect accessibility will be provided by DSA FLS staff as part of the FLS review process. AC review fees are not required.

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

9. Mechanical, electrical and plumbing unit replacement “in-kind” includes any or all units on a building when all of the following requirements are met:
 - Each new unit must be of equal or lesser weight to the existing unit being replaced, and weigh no greater than 2000 lbs.
 - Each new unit must be placed in the same location as the existing unit.
 - Each new unit must be placed without requiring alteration to the existing structural framing or altering existing supporting curb or platform. Exception: Adaptive metal curbs may be utilized provided the applied combined gravity plus lateral forces to the structure are not increased.
 - Each new unit must be placed without requiring alteration to the existing ceiling.
 - Each new unit must be placed without requiring replacement of ductwork, grilles, electrical components, etc.
10. Weight of new roof covering and insulation must not exceed the weight of the removed existing roof covering and insulation, except that “in-kind” replacement of tile roof systems will not be exempt and will require submission to DSA. Changes in roofing systems are limited to lightweight non-metal, non-tile roof and insulation systems; if such changes weigh significantly less than the previous roofing system, the change shall be considered an alteration, not maintenance, and the cost thresholds in Section 1.3.2 above apply. Applications of an in-kind second roofing layer may be exempt provided the additional layer does not exceed the weight of the original roofing material. Note: If dry-rot or other issue requiring structural repair is found during a reroofing only project, such repair shall be considered an alteration, not maintenance, and the repair shall be considered in cost thresholds in Section 1.3.2 above.
11. Considered normal maintenance.
12. Defined as an alteration per CBC Chapter 2; therefore, work is subject to *path of travel* improvements per CBC Section 11B-202.4.
13. Work consisting of changes to mechanical and electrical systems only are not subject to *path of travel* improvements. Structural improvements related to mechanical and electrical system installations do trigger access compliance review and *path of travel* improvements.
14. The installation of tubular or small skylights (2 ft. x 2 ft. max.) in which no structural framing member is altered shall be exempt unless the number of skylights would cause more than 5 percent of the roof diaphragm to be removed.
15. SS review is required for shade canopies that are provided by the playground equipment manufacturer as a feature integral with playground equipment unless both the following requirements are satisfied:
 - Plan area of shade canopy does not exceed 120 sq.ft.. Where individual elements (e.g., sails) overlap or make up a larger canopy, the square footage used in the exemption determination is the sum of each separate element with no discount for overlapping area, and
 - Shade canopy design provides a dedicated structure (independent but not necessarily separate) to the ground that does not rely on playground equipment for vertical support.When not eligible for exemption from SS review, shade canopies integral with playground equipment are permitted to be a deferred submittal. All members, components and

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

connections in the load path(s) resisting the code-prescribed forces applied to the shade canopy shall be evaluated (e.g., foundation, columns, poles, shade support members, etc.). Other playground equipment components (e.g., platforms, slides, climbing walls, etc.) outside these load paths and not directly supporting the shade canopy need not be reviewed.

16. Not used.
17. Tankless systems exceeding 20 pounds located in any location are NOT exempt from DSA SS review.
18. Noted item, including gates, shall not impede egress or reduce required egress width, or be located in, or impede designated fire lane(s) or emergency access routes.
19. Upon completion, such structures are not used for school purposes nor intended to be entered by pupils, teachers or school employees for school purposes.
20. Small groups of pupils and teachers may enter these structures for short periods of time.
21. Upon completion, such structures are not used for school purposes nor intended to be entered by pupils, teachers or school employees for school purposes. These structures shall not remain onsite for more than 90 days following completion, unless all provisions of CAC Section 4-310 are met.
22. Proof of qualification from other agencies and copy of building permit from the local building official shall be provided to DSA prior to start of construction.
23. Landscape only projects are exempt from DSA review. See Section 1 above. Projects submitted to DSA for review that have landscape elements must submit a form *DSA 1-L: Outdoor Water Use Self-Certification of Landscape Irrigation Design and Documentation*.
24. If completely privately-funded, see footnote 22. If ANY school funds are provided, AC review is required.
25. FLS review is required when playhouses or structures are placed within building(s) protected by automatic sprinkler systems.
26. FLS review is required where reconfiguration or restriping of parking lots incorporate fire apparatus access routes (fire lanes).
27. Shading devices and films shall not be applied to fire-resistance-rated glazing.
28. Refer to *IR A-9: Site Improvements for School Building Projects* for additional information and requirements.
29. Paved surfaces that are part of an accessible route shall be subject to AC review.
30. New or replacement water supply wells require DSA review and approval.
31. Installation of new and alterations to existing solar systems are not exempt from DSA review. The cost exemptions of Section 1.3.2 above do not apply since this work is an addition and not an alteration. See *IR 16-8: Solar Photovoltaic and Thermal Systems Review and Approval Requirements* for structural and fire and life safety, and *IR 11B-9: Accessibility Requirements for Solar Photovoltaic Systems at School Sites* for access compliance pertaining to solar systems.
32. A change in floor material from like product to like product does not require access review by DSA. The school district is still required to comply with federal law and CBC which requires *path of travel* improvements to be undertaken.
33. A change in floor material from the product installed (i.e., carpet to vinyl tile) will require AC review. *Path of travel* improvements are also required.

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CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

34. AC review is required due to CBC changes effective January 1, 2014 which requires 1 van accessible space for every six accessible spaces. Per CBC Section 11B-202.4 Exception 5, *path of travel* improvements are not required.

Code requirements related to the exemption or non-exemption:

- a. Controls require compliance with the operable parts requirements of CBC Chapter 11B.
- b. Fuel-burning appliances/equipment shall not be located in, or have direct communication with classrooms.
- c. Ensure automatic shutoff of HVAC units where CFM exceeds 2000 (see California Mechanical Code).
- d. For buildings and structures located within a designated hazardous fire area, all roof materials and assemblies shall have Class A fire hazard classification.

REFERENCES:

California Code of Regulations (CCR) Title 24

Part 1: California Administrative Code (CAC), Sections 4-306, 4-308, 4-309, 4-310, 4-314, 4-315, 4-406, 5-102

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is subject to revision at any time. Please check DSA's website for currently effective IRs. Only IRs listed on the webpage at www.dgs.ca.gov/dsa/publications at the time of project application submittal to DSA are considered applicable.



IR EB-4

REHABILITATION REQUIRED BY COST: 2022 CAC

Disciplines: Structural**History:** Revised 03/15/23 Under 2022 CAC
Issued 07/08/21 Under 2019 CAC

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE

This Interpretation of Regulations (IR) clarifies how DSA determines when a rehabilitation, as defined in California Administrative Code (CAC) Section 4-314, is required to an existing certified school building in accordance with CAC Sections 4-306 and 4-309(c), Item 1. CAC Section 4-309(c), Item 1 addresses the case when the cost of a reconstruction, alteration, or addition of an existing building exceeds 50 percent of its replacement value. This clarification is intended to promote consistent implementation and enforcement of the project cost versus replacement value comparison, referred to as the “cost comparison” throughout this IR.

SCOPE

This IR is applicable to projects with scope including reconstruction, alteration, addition, or any combination thereof to one or more certified existing school buildings.

This IR is not applicable to reconstruction projects for the repair of fire damage in accordance with the Exception listed in CAC Section 4-309(a). This IR does not address conditions requiring rehabilitation per CAC Section 4-309(c), Items 2 or 3 when the project cost is less than 50 percent of the replacement value and scope of work thresholds are exceeded, which is addressed in *IR EB-5: Rehabilitation Required by Scope*. Similarly, this IR does not address voluntary upgrades to the lateral force resisting system of an existing building as defined in CAC Section 4-309(d).

BACKGROUND

The CAC contains numerous provisions addressing new construction work in existing certified school buildings, which is generally categorized as reconstruction, alteration, or addition. When certain characteristics of such projects exceed the thresholds defined in CAC Section 4-309(c), a rehabilitation of the existing building is required.

CAC Section 4-306 defines the requirements of rehabilitation projects of existing certified school buildings. CAC Section 4-307 defines the requirements of rehabilitation projects of non-conforming buildings being converted into school buildings; the thresholds discussed in this IR are not applicable to the conversion of nonconforming buildings.

The rehabilitation requirement of CAC Section 4-309(c), Item 1 intends to ensure that when significant financial investment is made to alter or otherwise modernize an existing school building, corresponding safety standards are also addressed. Compliance with current safety standards is measured by the comprehensive building evaluation required of a rehabilitation.

Frequently used terms are defined in the Glossary below.

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REHABILITATION REQUIRED BY COST: 2022 CAC

1. GENERAL REQUIREMENTS**1.1 Cost Comparison by Building**

The term “project” is frequently used in reference to construction work performed in multiple existing buildings under a single application number. However, the cost comparison shall be made separately for each individual building. Therefore, the term “project cost” used throughout this IR refers specifically to costs associated with each existing building separately.

1.1.1 Costs associated with the work to each existing building shall be detailed separately in cost estimates, bids, or final actual cost statements used for the purpose of the cost comparison. General project costs (e.g., general conditions, overhead, profit, insurance, etc.) shall be allocated to each building in accordance with the building’s relative percentage of the overall direct construction costs. Site work is not considered a “general project cost” for this determination but is treated as a separate cost entity similar to another building.

1.1.2 Replacement value for the cost comparison shall be determined for a representative building of the same size as the existing building subject to the proposed reconstruction, alteration, and/or addition and is based upon the current cost of construction appropriate to the region where the building is located. Refer to Section 3 below for additional information on replacement value.

1.1.3 Existing buildings on many school campuses have historically been constructed with interconnecting exterior covered walkways. Such existing covered walkways commonly consist of light frame construction with or without columns and often do not include building separation details as required by current seismic code provisions. Existing covered walkways of this nature shall not be used to combine otherwise separate buildings for the purpose of the cost comparison required by CAC Section 4-309(c), Item 1. When there is doubt concerning the distinction of separate buildings, the district or design team shall meet with the DSA regional office to which the project will be submitted to obtain concurrence.

1.2 Division of Projects

In accordance with CAC Section 4-309, school construction projects shall not be subdivided for the purpose of evading cost limitations, including the rehabilitation required by cost. As such, the cost of any previous reconstruction, alteration, and/or addition project completed no more than three years prior to the submittal date of the proposed project must be included with the project cost defined in Section 2 below.

1.3 Project Types

The terms reconstruction, alteration, and addition are used in the CAC to categorize project types and associated requirements. In practice, a single project may include multiple scopes of work that could be described by these same terms. For example, a project might be said to include reconstruction of water damage in one location, a 1,200 square foot addition at the opposite end, and alterations to classrooms in between. The project cost and corresponding cost comparison for this building as described in Section 2 below consists of the sum of all three of these work scopes.

2. PROJECT COST

The project cost used in the cost comparison is outlined in CAC Section 4-322 and includes all costs associated with the reconstruction, alteration, and/or addition to the existing building, except as specifically amended by CAC Section 4-309(c). The project cost shall represent the current cost of construction appropriate to the region where the building is located.

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REHABILITATION REQUIRED BY COST: 2022 CAC

2.1 Included Costs

Project costs consist of those costs associated with the work defined on the plans and specifications including all items normally considered to be covered in the contractor's bid or fee such as general conditions, overhead, profit, labor and materials, bond, and insurance. This includes but is not limited to the following scope items:

2.1.1 Demolition.

2.1.2 Permanent equipment.

2.1.3 Finishes.

2.1.4 Maintenance items.

2.1.5 Voluntary lateral force-resisting system modifications to buildings designated by a geologic hazard report as being located within 50 feet of the trace of an active fault.

2.1.6 Subgrade preparation of the building pad.

2.1.7 Fees paid to construction managers for performance of construction work in accordance with CAC Section 4-322. Refer also to *IR A-3: Construction Management Services for Public School Projects*.

2.2 Excluded Costs

The following scope items may be excluded from the determination of project cost for the purpose of the cost comparison:

2.2.1 Air-conditioning equipment and insulation materials costs. For purposes of this provision, air-conditioning equipment includes heating, ventilation and air-conditioning (HVAC): air conditioning units, heating units, or ventilation units. The cost of ductwork or utility services (i.e., electrical and/or gas service) to the equipment shall not be excluded.

2.2.1.1 Installation costs for the work of Section 2.2.1 above may also be excluded.

2.2.1.2 Costs of removing and replacing finishes required to accomplish the work of Section 2.2.1 above shall not be excluded.

2.2.2 Voluntary lateral force-resisting system modifications (inclusive of costs to remove and replace finishes required to accomplish the upgrade) other than defined in Section 2.1.5 above.

2.2.3 Furniture and furnishings.

2.2.4 Site work beyond five feet from the footprint of the building.

2.2.5 Fees paid to DSA per CAC Article 4.

2.2.6 Fees paid to architects, engineers, or others for design services.

2.2.7 Fees paid for inspection and testing services.

2.3 Project Cost Types

During the course of a project the cost is determined by different means, which yield differing degrees of certainty. Some common means of determining cost are described as follows and are used to establish the reporting requirements in Section 4 below.

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2.3.1 Cost Estimate

As outlined in CAC Section 4-317(f) an estimate of cost is required for submission of a project application to DSA. Cost estimates are typically commissioned by the school district and prepared by a professional familiar with the latest construction cost trends in the geographical region of the project. The estimated cost used in the cost comparison should include bid and construction contingencies to guard against unforeseen increases that could result in the bid or final cost exceeding 50 percent of the replacement value.

2.3.2 Contractor's Bid

After a project is approved by DSA, a competitive bidding process typically follows with the participation of multiple prospective general contractors. The winning bid forms the basis of the construction contract and generally includes items outlined in CAC Section 4-322.

2.3.3 Final Actual Cost

As described in CAC Sections 4-322 and 4-339, the final actual project cost is determined upon completion of construction and is used in the project certification process. This cost is documented on form *DSA 168: Statement of Final Actual Project Cost and Instructions* and includes adjustments made to the bid price during the course of construction (i.e., change orders and contingency funds spent).

3. REPLACEMENT VALUE

The replacement value of the existing building used in the cost comparison represents the funds required to construct a new building of the same size, configuration, materials, systems, quality of finishes, amenities and intended use. The representative replacement building would be constructed in the same location and comply with the current California Building Code (CBC).

The replacement value shall not be escalated for projected increases in construction cost over time but shall be considered in current dollars.

The replacement value shall be determined in accordance with Section 3.1 or 3.2 below. If the school district takes exception to the replacement value determined by the default valuation, an alternate replacement value may be proposed based on Section 3.3 or 3.4 below. Justification of the alternate value is the responsibility of the school district and shall be submitted to DSA at the time of project registration. The proposed value will be reviewed by a DSA Supervising Architect, Supervising Structural Engineer, or Regional Manager, who may require a meeting with the school district and their design team. The alternate replacement value shall not be used unless accepted in writing by DSA.

3.1 Default Valuation for K-12 Public School Projects

The default replacement value shall be determined based on the cost of school construction in California as established by the Office of Public School Construction (OPSC). For its use in the dispensation of School Facility Program (SFP) Grants, the State Allocation Board of OPSC has adopted construction cost values based on the RS Means Construction Cost Index, including current replacement costs. These values are given on a cost per square foot basis and are adjusted annually at the State Allocation Board's January meeting.

3.1.1 OPSC adopted construction cost values for 2023 are as follows:

3.1.1.1 Typical Construction: \$521 per square foot.

3.1.1.2 Toilet Room Construction: \$939 per square foot.

3.1.2 The replacement value for each building subject to reconstruction or alteration shall be the cost per square foot established by OPSC multiplied by the total square footage of the existing building as defined in the Glossary below.

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3.1.3 The replacement value for each building subject to an addition shall be the cost per square foot established by OPSC multiplied by the total square footage of the existing building alone as defined in the Glossary below, excluding the square footage of the proposed addition.

3.1.4 Where the existing building contains bathrooms, shower rooms and/or locker rooms, the cost listed in Section 3.1.1.2 above is permitted to be applied to the square footage of those spaces only. The cost listed in Section 3.1.1.1 above shall be applied to the square footage of all other spaces of the building.

3.2 Default Valuation for Community College Projects

The replacement value shall be determined based on the construction cost values used by the California Community Colleges Chancellor's Office. These cost values are differentiated by room type and are available to community college districts and their design professionals through the online application FUSION. The cost per square foot values can be accessed by selecting the "Admin" tab on the banner of the FUSION home page, then selecting the "Manage System Codes" from the available modules, and finally selecting "Cost Guidelines" from the resulting sub-banner. Information will display in a tabular format with the cost per gross square footage listed in the eighth column titled "Cost/GSF".

DSA will also accept the OPSC basis of replacement value determined in accordance with Section 3.1 above for community college projects.

3.2.1 The replacement value for each building subject to reconstruction or alteration shall be determined based on the square footage as defined in the Glossary below of the existing building in accordance with Section 3.2.3 below.

3.2.2 The replacement value for each building subject to an addition shall be determined based on the square footage of the existing building alone as defined in the Glossary below, excluding the square footage of the proposed addition, in accordance with Section 3.2.3 below.

3.2.3 The replacement value shall be determined using the cost per gross square foot values in the community college table identified in Section 3.2 above as follows:

3.2.3.1 Based on its current program, the existing building use shall be distributed on a percentage basis into categories defined in the table. Any support space (e.g., halls, stairs, etc.) or other use not identified in the table shall be distributed proportionately to defined categories such that the total of all categories sums to 100 percent.

3.2.3.2 An effective replacement value cost shall be determined by multiplying each use percentage by the applicable cost per gross square foot from the table and summing the total. While the table contains multiple columns of cost data, the values shall be taken from the only column presenting the costs in terms of gross square footage (GSF).

3.2.3.3 The replacement value of the existing building shall be determined by multiplying the effective cost defined in Section 3.2.3.2 above and the square footage defined in Section 3.2.1 or 3.2.2 above.

3.3 Alternate Valuation A

The replacement value shall be established on the basis of final actual project costs as documented on form DSA 168 for similar completed new construction. This valuation method must be coordinated with Sections 3.5 and 3.6 below.

3.3.1 Similar buildings from a minimum of three projects completed within the past 10 years are required. Buildings meeting the following criteria are considered similar for the purpose of this valuation method.

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3.3.1.1 Similar buildings shall have been constructed in the same geographical region as the proposed project as defined by locations within a 100 mile radius of the site.

Exception: For proposed projects located in remote regions of the state, the radius defining the geographical region may be increased at the discretion of the DSA regional office to which the project will be submitted.

3.3.1.2 Similar buildings shall be no less than 50 percent and no more than 200 percent of the gross square footage of the existing building subject to replacement.

3.3.1.3 When the replacement building is a single-story structure, the similar buildings used to establish its value shall also be single story.

3.3.1.4 Similar buildings shall serve the same campus function and be of the same occupancy as the existing building subject to replacement.

3.3.1.5 Similar buildings shall have been constructed using the same or similar construction type and building systems as the existing building subject to replacement.

3.3.1.6 Similar buildings shall have been constructed with the same or similar quality of finishes and amenities as the existing building subject to replacement.

3.3.1.7 Similar buildings with unique site conditions requiring soil improvements, deep foundations, geologic hazard remediation, or other special site construction measures shall not be used unless it can be demonstrated the replacement building would require the same.

3.3.2 The school district or their design professional shall collect and present to DSA all documentation necessary to establish the replacement value of the existing building.

3.3.2.1 A narrative of each similar building used to establish the replacement value shall be provided including a description of the building, number of stories, construction type, finishes, lateral force resisting system, foundation type, and square footage.

3.3.2.2 Final actual project costs taken from form DSA 168 shall be converted into a cost per square foot for use in determination of the replacement value of the existing building.

3.3.2.3 The cost of excluded items defined in section 3.6 below shall be removed.

3.3.2.4 Where the project(s) of the similar building(s) had more than one inspection card (i.e., form *DSA 152: Project Inspection Card*), adjustment is required to allocate the final cost between multiple buildings and site work. In such cases, the school district or their design professional shall propose and obtain DSA concurrence of an acceptable methodology for allocating the applicable portion of the total project cost from the form DSA 168 to the similar building used to establish the replacement value. Original cost estimates, bid documents, and/or the schedule of values accompanying progress payment requests may be useful resources in determining cost allocation to the similar building.

3.4 Alternate Valuation B

The replacement value shall be established on the basis of an independent cost estimate for a new building as follows. This valuation method must be coordinated with Sections 3.5 and 3.6 below.

3.4.1 The cost estimate shall use the original construction documents of the building subject to the proposed reconstruction, alteration, and/or addition as amended below. The cost estimate report shall provide a detailed breakdown of quantities, material, labor and all other associated costs as defined in Section 3.5 below.

3.4.1.1 If the original construction documents are not available, as-built documents shall be prepared by the design team and serve as the basis of the cost estimate.

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3.4.1.2 Where the existing building employs materials or systems that are no longer available or common in current construction practice, the cost estimate shall be based upon a substitution of comparable quality and performance as proposed by the design team and accepted by DSA. All such substitutions shall be clearly documented in the cost estimate report.

3.4.1.3 Where the construction of the existing building would not comply with current code requirements, including those that were not in effect at the time of the original construction, the design basis of the cost estimate may be modified as directed by the design team and accepted by DSA. All such design modifications shall be clearly documented in the cost estimate report.

3.4.2 Cost estimate shall be performed by a licensed general contractor or professional construction cost estimator knowledgeable of the local construction economy.

3.4.3 DSA reserves the right to require a peer review of the cost estimate. The peer review shall be performed by a cost estimator acceptable to both the school district and DSA and will be retained by the school district.

3.5 Included Value

Replacement value includes costs associated with the construction work such as general conditions, overhead, profit, labor and materials, bond, and insurance. The following scope items are included in the replacement value. The default valuation in accordance with Section 3.1 or 3.2 above already includes these items, and therefore shall not be adjusted.

3.5.1 Permanent equipment.

3.5.2 Finishes.

3.5.3 Maintenance items.

3.5.4 Subgrade preparation of building pad.

3.6 Excluded Value

The following scope items shall be excluded from the determination of replacement value for the purpose of the cost comparison. The default valuation in accordance with Section 3.1 or 3.2 above already excludes these items and does not require adjustment.

3.6.1 Demolition of the existing building.

3.6.2 Site work beyond five feet from the footprint of the building.

3.6.3 Fees paid to DSA per CAC Article 4.

3.6.4 Fees paid to architects, engineers, or others for design services.

3.6.5 Fees paid for inspection and testing services.

4. REPORTING REQUIREMENTS

All projects whose scope of work includes a reconstruction, alteration, or addition shall provide a cost comparison specific to each affected existing school building with submission of the project application. When DSA determines the project cost provided at submission has sufficient uncertainty to warrant further verification, one or more additional cost comparisons will be required.

4.1 Project Application Submission

In accordance with form *DSA 3: Project Submittal Checklist*, Part 4, Section B, the cost comparison justification shall be submitted for each existing building subject to reconstruction, alteration, and/or addition. The design professional shall provide the information needed for the cost comparison, both the project cost estimate and the replacement value of the existing building, at project submission.

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4.1.1 Project cost shall be determined in accordance with Section 2 above and based on the estimated cost per Section 2.3.1 above.

4.1.2 The replacement value shall be determined based on the default valuation of Section 3.1 or 3.2 above or one of the alternate valuation methods of Section 3.3 or 3.4 above if agreed to in writing by DSA prior to the project submission.

4.1.3 For small projects whose cost is far from approaching the 50 percent replacement value threshold, the cost comparison is expected to consist of a simple comparison of the project cost and the default valuation of Section 3.1 or 3.2 above. This comparison can be presented in the project's structural calculations or otherwise as simple written correspondence from the design professional.

4.2 Award of Construction Contract

Should the cost comparison provided by Section 4.1 above yield a cost less than but sufficiently close to 50 percent of the replacement value, DSA may determine further verification is warranted. Uncertainties in estimated costs and other variables will be considered to determine when further verification is necessary. In such cases, DSA will require a second cost comparison be submitted for the designated existing building(s) with the form *DSA 102-IC: Construction Start Notice/Inspection Card Request*.

4.2.1 Project cost shall be determined in accordance with Section 2 above and based on the successful bid per Section 2.3.2 above. The DSA-approved construction documents shall require the bids to include a breakdown of cost by building to facilitate this cost comparison. If the project is delivered by a contractual method that does not include bidding, the design-build or similarly responsible entity shall define the project cost at this phase.

4.2.2 The replacement value shall be the same as used in the original cost comparison per Section 4.1.2 above.

4.2.3 Should the second cost comparison conclude that the project cost for reconstruction, alteration, and/or addition to any existing school building exceeds 50 percent of the replacement value, options available to the school district to achieve compliance with CAC Section 4-309(c) include the following:

4.2.3.1 All or a portion of the work in the building(s) where rehabilitation is required may be removed from the project scope. The design professional shall prepare and submit to DSA for review an Addendum or Revision, as dictated by the status of the construction contract to remove the scope of work as required. DSA will not issue inspection cards (form DSA 152) for the project until the Addendum or Revision is approved by DSA.

4.2.3.2 The construction documents may be revised by Addendum or Revision to include the rehabilitation of the building(s) as required. Construction of the affected building(s) must be postponed by the school district to allow time for the design, review and approval of the rehabilitation scope. DSA will not issue inspection cards (form DSA 152) for the affected building(s) until the Addendum or Revision is approved by DSA.

4.2.3.3 Other project-specific options may be approved by the DSA regional office to reconcile the previously unforeseen rehabilitation requirement at this stage in the project. The school district and their design team shall meet immediately with a DSA Supervising Architect, Supervising Structural Engineer, or Regional Manager to discuss any proposed alternate means of compliance.

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4.3 During Construction

Should the cost comparison provided in Section 4.2 above yield a cost less than but sufficiently close to 50 percent of the replacement value, DSA may require cost comparison updates throughout the construction phase. If at any point the project cost is projected to exceed 50 percent of the replacement value, DSA may issue a stop work order in accordance with *IR A-13: Stop Work and Order to Comply*.

4.4 Construction Completion

Should the cost comparison provided by Section 4.2 or 4.3 above yield a cost less than but sufficiently close to 50 percent of the replacement value, DSA may again determine further verification is warranted. Uncertainty in the extent of cost changes during construction (e.g., change orders) will be considered to determine when further verification is necessary. In such cases, DSA will require a final cost comparison be submitted for the designated existing building(s) with the DSA 168.

4.4.1 Project cost shall be determined in accordance with Section 2 above and based on the final actual project cost per Section 2.3.3. In such cases, the form DSA 168 shall be appended with supplemental information defining the breakdown of cost by building to facilitate this comparison.

4.4.2 The replacement value shall be the same as used in the original cost comparison per Section 4.1.2 above.

4.4.3 Should the final cost comparison conclude that the project cost for reconstruction, alteration, and/or addition to any existing school building exceeds 50 percentage of the replacement value, certification of the project will be withheld by DSA. Rehabilitation of the subject school building(s) is required under a separate application number. Certification of the original reconstruction, alteration, and/or addition project will be contingent upon certification of the rehabilitation project.

4.4.4 In lieu of the requirements of Section 4.4.3 above, other project-specific options may be approved by the DSA regional office to reconcile the previously unforeseen rehabilitation requirement at this stage in the project. The school district and their design team shall meet immediately with a DSA Supervising Architect, Supervising Structural Engineer, or Regional Manager to discuss any proposed alternate means of compliance.

REFERENCES:

2022 California Code of Regulations (CCR) Title 24
Part 1: California Administrative Code (CAC), Sections 4-306, 4-307, 4-309, 4-314, 4-317, 4-322, 4-339, Article 4
Part 2: California Building Code (CBC), Section 202.

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is subject to revision at any time. Please check DSA's website for currently effective IRs. Only IRs listed on the webpage at www.dgs.ca.gov/dsa/publications at the time of project application submittal to DSA are considered applicable.

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GLOSSARY

Addition

As defined in CAC Section 4-314. For the purposes of this IR, the concept of “sharing use” as contained in the definition shall be taken to mean any configuration that allows the user internal passage from the existing building to the addition (or vice versa) without travelling outside.

Alteration

As defined in CAC Section 4-314.

Certified Building

As defined in CAC Section 4-314.

Furniture and Furnishings

Articles or building accessories that are not specified and defined on the construction documents. Such items are often owner-supplied and sometimes owner-installed.

Reconstruction

As defined in CAC Section 4-314.

Square Footage

For the determination of replacement value determined in accordance with Section 3 above, the enclosed building area measured from the outside face of the exterior walls. This differs from the definition of Gross Floor Area in CBC Section 202.



IR 11B-6

ACCESSIBILITY REVIEW OF MECHANICAL (HVAC) PROJECTS

Disciplines: Access**History:** Revised 05/27/21

Last Revised 01/01/11 Under Prior CBCs

Original Issue 02/04/08

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE

The purpose of this Interpretation of Regulations (IR) is to clarify when DSA Access Compliance review is required for mechanical heating, ventilation, and air conditioning (HVAC) work.

SCOPE

The California Building Code (CBC) requires alterations to existing buildings or facilities to comply with all applicable provisions of CBC Chapter 11B. Per CBC Section 11B-202.4, when alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. CBC Section 11B-202.4 Exception 7 exempts HVAC “only” projects from the accessible path of travel requirements.

BACKGROUND

Per CBC Section 11B-202.4 Exception 7, projects consisting only of HVAC work are not required to comply with CBC Section 11B-202.4 unless they affect the usability of the building or facility. HVAC “only” means projects where the work and related components are specific to the HVAC system replacement or installation. Such projects may also include improvements that are necessary for the installation of the equipment, such as reroofing limited to roofing material replacement, the installation of new equipment curbs, or the addition of support members to the existing structural system to distribute the weight of the new equipment. These improvements are incidental to the installation of the HVAC equipment, and as a result, do not require the application of CBC Section 11B-202.4.

Projects where the installation or replacement of rooftop HVAC units involves changes or rearrangement of structural parts or elements of the building such as beams, columns and foundations or reinforcement of the roof diaphragm are considered alterations. CBC Chapter 2 defines “alteration” as *a change, addition or modification in construction.....including but not limited to.....rehabilitation, reconstruction.....changes or rearrangement of the structural parts or elements....*” This interpretation is aligned with Opinion 94-1109 issued by the California Office of the Attorney General. Per CBC Section 11B-202.4, alterations are subject to the accessible path of travel requirements; therefore, projects whose scope of work includes accessibility improvements are subject to accessibility review by DSA.

1. DETERMINATION OF DSA ACCESS COMPLIANCE REVIEW

1.1 HVAC “only” projects are exempt by accessibility code provisions and do not require DSA Access Compliance review or approval. This includes incidental upgrades required solely for the purpose of performing HVAC “only” work. Compliance with CBC Section 11B-309 is still required for operable parts of the system, such as thermostats and carbon dioxide monitors, if applicable.

IR 11B-6

ACCESSIBILITY REVIEW OF MECHANICAL (HVAC) PROJECTS

1.2 Mechanical projects that require structural improvements to the main structural system are not HVAC “only” projects and, in addition to compliance with CBC Section 11B-309, are subject to the accessible path of travel improvements required by CBC Section 11B-202.4.

1.3 Design professionals are encouraged to request a pre-application meeting to determine applicability of CBC Section 11B-202.4 for their HVAC replacement or installation projects when the structural system or roof diaphragm will be affected. A pre-application meeting request is accomplished by the submission of DSA Forms: 91, 92, 93 or 94 to the DSA Regional Office that will review the project.

REFERENCES:

California Code of Regulations (CCR) Title 24
Part 2: California Building Code (CBC), Chapter 2 Definition of Alteration
Part 2: California Building Code (CBC), Section 11B-202.4
Part 2: California Building Code (CBC), Section 11B-309

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

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IR 11B-10

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS: 2016 CBC

Disciplines: Accessibility**History:**

Revised 04/18/17

Issued 04/27/15

PURPOSE: This Interpretation of Regulations (IR) provides guidance for projects submitted for accessibility review to the Division of the State Architect (DSA) on the upgrade of path of travel elements to the current edition of the California Building Code (CBC) when the area they serve is altered, added to or structurally repaired.

BACKGROUND: A project at an existing site is an alteration of that facility and subject to the requirements of CBC Section 11B-202.4: Path of travel requirements in alterations, additions and structural repairs. This applies to 1) alteration or structural repair of an existing building or feature on the site or 2) addition of a new building or new elements to an existing building, facility or site.

INTERPRETATION:

1. SCOPING CONSIDERATIONS FOR ALTERATION PROJECTS: A project at an existing facility is an alteration of that facility. This applies when either 1) existing elements are altered or 2) new elements, up to and including new buildings, are added.

1.1 Maintenance and Repair Projects: Projects limited to maintenance or repair are not alterations and do not trigger accessibility requirements. Definitions related to alteration projects are included in [Attachment 1](#) of this IR.

1.2 Compliance with New Construction Requirements: The basic work of any project, whether new construction, an addition to an existing building or facility or an alteration of an existing building or facility, must comply with the following CBC requirements for new construction:

- **11B-201.1 Scope.** *All areas of newly designed and newly constructed buildings and facilities and altered portions of existing buildings and facilities shall comply with these requirements.*¹
- **11B-202.3 Alterations.** *Where existing elements or spaces are altered, each altered element or space shall comply with the applicable requirements of Division 2, including Section 11B-202.4.*

1.3 General Exceptions: The code then provides general exceptions to the requirements in CBC Section 11B-203.² Many of these exceptions are applicable to public school, community college and higher education projects.

1.4 Accessible Route Requirements: For additions, the new construction provisions require an accessible route from the area of the addition to other accessible areas of the building, site or facility:

¹ "These requirements" means the accessibility provisions of Chapter 11B and related sections within the California Building Code, current edition.

² **"11B-203.1 General.** Sites, buildings, facilities and elements are exempt from these requirements to the extent specified by Section 11B-203."

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SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

- **CBC 11B-206.2.2 Within a Site.** *At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements and accessible spaces that are on the same site.*

1.5 Accessible Route Requirements for Campus Settings: For campus-style school facilities with multiple buildings and functional areas, the accessible route/path of travel situation can become more complex. The following factors may apply to projects on existing campus facilities:

- New construction on an existing site must be connected, as part of the basic project scope, with an accessible route to existing on-site accessible routes.
- When multiple paths of travel to a specific area of alteration, addition or structural repair are present but not code compliant, CBC Section 11B-202.4 requires the upgrade of only a single primary path of travel to the project area. Upgrades of secondary paths of travel shall not be required.
- Path of travel (POT) upgrades only apply to existing construction; any new accessible elements or accessible routes being provided as part of the basic project scope are not considered path of travel upgrades.
- The cost of new accessible elements or a new accessible route is part of the project's adjusted construction cost and cannot be used to satisfy the 20 percent cost limitation for path of travel upgrades on projects with an adjusted construction cost below the valuation threshold. See Section 4.1 of this IR.

1.6 Vehicular Way Exception: Again, there are exceptions to these general requirements. For example, if the only means of access between accessible buildings, accessible facilities, accessible elements and accessible spaces on a site is a vehicular way not providing pedestrian access, an accessible route connecting them is not required.^{3, 4} CBC Section 11B-203 exceptions also apply to the extent specified.

2. PATH OF TRAVEL UPGRADE REQUIREMENTS FOR ALTERATION PROJECTS

2.1 Path of Travel Elements: Under the CBC, alteration, addition and structural repair projects may trigger requirements for upgrades to accessibility elements outside the project's area of work. These "path of travel" upgrade requirements are found in:

- **11B-202.4 Path of travel requirements in alterations, additions and structural repairs.** *When alterations or additions are made to existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided.*
- *The primary path of travel shall include:*
 - A primary entrance to the building or facility,
 - Toilet and bathing facilities serving the area,
 - Drinking fountains serving the area,
 - Public telephones serving the area, and
 - Signs.

CBC Section 11B-202.4 then provides nine exceptions to the path of travel requirements.

³ **11B-206.2.1 Site arrival points Exception 2.** An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing pedestrian access.

⁴ **11B-206.2.2 Within a site Exception.** An accessible route shall not be required between accessible buildings, accessible facilities, accessible elements and accessible spaces on a site if the only means of access between them is a vehicular way not providing pedestrian access.

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SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

2.2 Path of Travel Exterior Elements: In addition to the five specific items listed above, the path of travel also includes an exterior approach to the project area. This requirement must be evaluated on a project- and site-specific basis and could include parking, site arrival points, bus loading zones and the accessible route connecting them with the primary entrance to the project's area of work.

3. ADJUSTED CONSTRUCTION COST

3.1 Costs Included: For the purposes of CBC Section 11B-202.4, the adjusted construction cost for a project shall include:

- All direct or "hard" costs directly associated with the contractor's construction of the project including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit.
- All fees and reimbursable expenses paid to construction managers, if any.

The direct or "hard" costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability.

3.2 Cost Not Included: The adjusted construction cost shall not include:

- Project management fees and expenses.
- Architectural and engineering fees.
- Testing and inspection fees.
- Utility connection or service district fees.

4. DISPROPORTINATE COST LIMITATIONS

4.1 Projects with Adjusted Construction Costs At or Below the Valuation Threshold:

CBC Section 11B-202.4, Exception 8 addresses the issue of costs of path of travel improvements for smaller projects.

- *"When the adjusted construction cost is less than or equal to the current valuation threshold, as defined in Chapter 2, Section 202, the cost of compliance with Section 11B-202.4 shall be limited to **20 percent** of the adjusted construction cost of alterations, structural repairs or additions. When the cost of full compliance with Section 11B-202.4 would exceed 20 percent, compliance shall be provided to the greatest extent possible without exceeding 20 percent."*

4.2 Projects with Adjusted Construction Costs Above the Valuation Threshold: Projects with an adjusted construction cost above the valuation threshold must comply with the path of travel upgrade requirements, whatever the cost, to provide a single accessible path of travel to the specific area of alteration. However, CBC Section 11B-202.4 Exception 8 addresses the cost of path of travel improvements for projects where full compliance would be an unreasonable hardship, and provides:

- *"When the adjusted construction cost exceeds the current valuation threshold, as defined in Chapter 2, Section 202, and the enforcing agency determines the cost of compliance with Section 11B-202.4 is an unreasonable hardship, as defined in Chapter 2, Section 202, full compliance with Section 11B-202.4 shall not be required."*
- CBC Chapter 2, defines Unreasonable Hardship as:

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When the enforcing agency (DSA) finds that compliance with the building standard would make the specific work of the project affected by the building standard infeasible, based on an overall evaluation of the following factors:

- 1. The cost of providing access.*
- 2. The cost of all construction contemplated.*
- 3. The impact of proposed improvements on financial feasibility of the project.*
- 4. The nature of the accessibility which would be gained or lost.*
- 5. The nature of the use of the facility under construction and its availability to persons with disabilities.*

The details of any finding of unreasonable hardship shall be recorded and entered in the files of the enforcing agency.

- CBC Section 11B-202.4 Exception 8 additionally provides:

“Compliance shall be provided by equivalent facilitation or to the greatest extent possible without creating an unreasonable hardship; but in no case shall the cost of compliance be less than 20 percent of the adjusted construction cost of alterations, structural repairs or additions.”⁵ “The details of the finding of unreasonable hardship shall be recorded and entered into the files of the enforcing agency and shall be subject to Chapter 1, Section 1.9.1.5, Special Conditions for Persons with Disabilities Requiring Appeals Action Ratification.”

- The adjusted construction cost shall not include the cost of alterations to path of travel elements.

4.3 Finding of Unreasonable Hardship: A finding of unreasonable hardship is appropriate only when the cost of full compliance with CBC Section 11B-202.4 is significantly above the 20percent required minimum of the adjusted construction cost and would make the project financially infeasible. A finding of unreasonable hardship may be made by the enforcing agency and should be based upon a detailed project-specific analysis. For projects within DSA’s jurisdiction, a finding of unreasonable hardship must be approved by the access supervisor and the regional manager.

4.4 Three Year History: For areas that have been previously altered without providing an accessible path of travel to those areas, the adjusted construction cost of any alterations to areas served by the same path of travel during a preceding three-year period shall be considered in determining whether the cost of making improvements to the path of travel is disproportionate to the adjusted construction cost.

4.5 Upgrades in Compliant Facilities: For projects where the path of travel elements serving the area of alteration, addition or structural repair are compliant with current accessibility requirements, it shall not be required that the full 20 percent of the adjusted construction cost be spent.

5. COMPLIANCE WITH IMMEDIATELY PRECEDING EDITION:

5.1 Path of Travel Upgrades Not Required: **CBC Section 11B-202.4 Exception 2** does not require path of travel upgrades for specified elements that have been previously constructed or altered in compliance with the accessibility requirements of the immediately preceding edition of the California Building Code. Retrofit to reflect incremental changes in the code solely because of an alteration to an area served by the following elements shall not be required:

⁵ As long as there are noncompliant elements that need to be corrected, the cost of the path of travel upgrades cannot fall below 20 percent, as that is a requirement of the both the 2013 CBC and the 2010 ADA Standards.

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- A primary entrance to the building or facility,
- Toilet and bathing facilities serving the area,
- Drinking fountains serving the area,
- Public telephones serving the area, and
- Signs.

5.2 Immediately Preceding Edition: The immediately preceding edition of the code includes:

- The initially adopted and published code;
- Intervening Code Cycle Amendments adopted and issued as Supplements;
- Emergency Amendments, if any, adopted and issued as Supplements;
- Errata.

Compliance with any version of the immediately preceding code edition qualifies an element for this exception. CBC Section 202.4 Exception 2 provisions in the immediately preceding edition of the CBC shall not be permitted to iteratively utilize provisions in earlier editions of the CBC.

6. WHEN FULL COMPLIANCE CANNOT BE REQUIRED**6.1 Priority List:** For projects where full compliance of the path of travel elements cannot be required, based on the disproportionate cost limitations as identified herein in Item 4, CBC Section 11B-202.4, Exception 8 establishes the following priority list:

- “In choosing which accessible elements to provide, priority should be given to those elements that will provide the greatest access in the following order:
 1. An accessible entrance;
 2. An accessible route to the altered area;
 3. At least one accessible restroom for each sex;
 4. Accessible telephones;
 5. Accessible drinking fountains; and
 6. When possible, additional accessible elements such as parking, storage and alarms.”

6.2 Additional Accessible Elements: The obligation to upgrade the additional accessible elements in Item 6 applies only to those elements within the primary path of travel serving the project-specific area of alteration. Typically, Item 6 will come into play only when all of the elements in the preceding items either 1) are in compliance with the requirements, 2) have been included in the project’s path of travel upgrades scope of work or 3) are discretionary items, such as public telephones, and not present as existing elements.

6.3 Operational Considerations: In situations where a fully compliant path of travel cannot be required, from a civil rights perspective the public agency operating the facility still has an obligation to make its programs and services accessible. The fact that the building code did not require full compliance does not remove this **program delivery** obligation. However, this is an operational consideration outside of the building code and shall not be used as a condition of approval for projects under DSA’s jurisdiction.

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**SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY
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REFERENCES:

California Code of Regulations (CCR) Title 24
Part 2, California Building Code, Section 11B-202.4

This IR is intended for use by DSA staff and by design professionals to promote statewide consistency for review and approval of plans and specifications as well as construction oversight of projects within the jurisdiction of DSA, which includes State of California public schools (K–12), community colleges and state-owned or state-leased essential services buildings. This IR indicates an acceptable method for achieving compliance with applicable codes and regulations, although other methods proposed by design professionals may be considered by DSA.

This IR is subject to revision at any time. Please check DSA's website for currently effective IRs. Only IRs listed on the webpage at www.dgs.ca.gov/dsa/publications at the time of project application submittal to DSA are considered applicable

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**SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY
ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS**
ATTACHMENT 1**Definitions****See CBC Chapter 2, Section 202**

The CBC defines “Alteration” as:

- “A change, addition or modification in construction, change in occupancy or use, or structural repair to an existing building or facility. Alterations include but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, resurfacing of circulation paths or vehicular ways, changes or rearrangement of the structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.”

The CBC defines “Facility” as:

- “All or any portion of buildings, structures, site improvements, elements, and pedestrian routes or vehicular ways located on a site.”

The underlying premise is clear: alterations are not limited to projects within buildings and can occur anywhere on a facility or site.

The CBC defines “path of travel” as:

- “An identifiable accessible route within an existing site, building or facility by means of which a particular area may be approached, entered and exited, and which connects a particular area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. When alterations, structural repairs or additions are made to existing buildings or facilities, the term “path of travel” also includes the toilet and bathing facilities, telephones, drinking fountains and signs serving the area of work.”

The CBC defines “adjusted construction cost” as:

- All costs directly related to the construction of a project, including labor, material, equipment, services, utilities, contractor financing, contractor overhead and profit, and construction management costs. The costs shall not be reduced by the value of components, assemblies, building equipment or construction not directly associated with accessibility or usability. The adjusted construction cost shall not include: project management fees and expenses, architectural and engineering fees, testing and inspection fees, and utility connection or service district fees.



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PROCEDURE: CONSTRUCTION OVERSIGHT PROCESS

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE: California Code of Regulations (CCR), Title 24, Part 1, Chapter 4, Article 1 (Sections 4-211 through 4-220) and Group 1, Articles 5 and 6 (Sections 4-331 through 4-344) provide regulations governing the construction process for projects under the jurisdiction of the Division of the State Architect (DSA).

This Procedure provides the required, prescribed method for compliance with applicable sections of the above regulations related to communication and documentation of the status of construction inspections and material testing.

See *Section 5* for information on applicability of this procedure to your existing project.

BACKGROUND: Successful construction inspections and material testing are critical to the delivery of code compliant projects. Communication and documentation of these inspections and tests are necessary to enable involved parties to understand the status of those inspections and tests, so that conditions not compliant with the DSA-approved construction documents are identified in a timely manner and not covered up by subsequent construction activities.

DEFINITIONS: The following definitions apply to terms used in this document:

Architect/Engineer – An abbreviated use of the term design professional in general responsible charge.

Contract – A written agreement for facility construction, alteration, repair or other construction activities regulated by DSA.

Contractor – A company or individual that contracts for or is otherwise responsible for the construction of the project or portions of the project.

DSA-Approved Construction Documents – Portions of plans, specifications, *DSA-103: List of Structural Tests and Special Instructions*, addenda, deferred submittals, revisions, and construction change documents (CCDs) duly approved by DSA that contain information related to and affecting structural safety, fire/life safety, and accessibility (refer to *IR A-6: Construction Change Document Submittal and Approval Process* for additional information about CCDs). While all portions of the construction documents may contain a DSA identification stamp, this stamp is not the approval. Approval by DSA is indicated by a letter to the school district. This letter clarifies that the approval is limited to structural safety, fire/life safety and accessibility.

The DSA approval letter states: *“Buildings constructed in accordance with approved drawings and specifications will meet minimum required standard given in Title 24, California Code of Regulations, for structural, and fire and life safety ... and ... certifies that the drawings and specifications are in compliance with State regulations for the reasonable accommodation of the disabled.”*

Design Professional In General Responsible Charge – The architect or engineer in general

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responsible charge of the project, as listed on Line 21 or 23 of form *DSA 1: Application for Approval of Plans and Specifications and Instructions*.

Non-Building Site Structures – Structures that are required to resist loads imposed by gravity, wind, seismic, earth or other external forces and are not enclosed by walls and a roof (examples include: shade structures not enclosed by walls, bleachers, ball walls, trash enclosures, dugouts, tanks, equipment, fences, retaining walls, ramps, stairs, cell towers, light poles, etc.).

The term “Non-Building Site Structures” is used only to clarify the types of site structures that are relevant when issuing form *DSA 152: Project Inspector Card* for site work. These types of structures are school buildings as defined in the California Administrative Code Title 24, Part 1.

Other Responsible Design Professionals – Architects or engineers with delegated responsibility for portions of the project as listed on Lines 24a, 24b, 24c or 24d of form *DSA 1* and Line 1.0 of *DSA 1-MR: Application for New Manufactured Permanent Modular or Relocatable Buildings* (when applicable), such as architects, structural engineers, mechanical engineers, electrical engineers and the geotechnical engineer of record.

Permanent Modular – Permanent buildings or structures built in a fabrication plant off-site not intended for relocation, constructed of modular units that do not have an integral floor, and are mounted on a permanent foundation such as modular school buildings or elevator towers.

Permanent buildings include enclosed structures for the purpose of housing students and teachers, such as classrooms, assembly buildings, administrative buildings, etc.

Project Inspector – An inspector who is employed by the school district, certified by DSA and specifically approved by DSA and applicable project design professionals to provide competent, adequate and continuous construction inspections for the project.

Relocatable Building – Buildings as defined in Title 24, Part 1, Section 4-314 which are built in a fabrication plant off-site.

APPLICABLE DSA FORMS:

- DSA 1
- DSA 1-MR.
- *DSA 5-AI: Assistant Inspector Qualification and Approval.*
- *DSA 5-PI: Project Inspector Qualification and Approval.*
- *DSA 5-IPI: In-Plant Project Inspector Qualification and Approval.*
- *DSA 5-SI: Special Inspector Qualification and Approval.*
- *DSA 6-AE: Architect/Engineer Verified Report.*
- *DSA 6-C: Contractor Verified Report.*
- *DSA 6-PI: Project Inspector Verified Report.*
- *DSA 102-IC: Construction Start Notice/Inspection Card Request.*
- DSA-103
- *DSA 108: Change in Delegation of Responsibility.*
- *DSA 109: Transfer of Responsibility: Geotechnical Engineer.*

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- *DSA 119: Project Inspector Performance Review.*
- *DSA 130: Certificate of Compliance–Accepted Folding and Telescopic Seating Fabricator.*
- *DSA 135: Field Trip Note (internal form).*
- *DSA 151: Project Inspector Notifications.*
- *DSA 152*
- *DSA 152-IPI: In-Plant Inspector Inspection Card/Verified Report.*
- *DSA 153: Inspection Card Building Identifier (internal form).*
- *DSA 154: Notice of Deviations / Resolution of Deviations.*
- *DSA 155: Project Inspector Semi-Monthly Report.*
- *DSA 156: Commencement/Completion of Work Notification.*
- *DSA 168: Statement of Final Actual Project Cost.*
- *DSA 180: Project Inspector Performance Record.*
- *DSA 211: Attachment for Additional Comments/Information.*
- *DSA 291: Laboratory of Record Verified Report.*
- *DSA 292: Special Inspectors Employed Directly by the District Verified Report.*
- *DSA 293: Geotechnical Verified Report.*

REQUIREMENTS FOR REPORTING STATUS OF COMPLIANT CONSTRUCTION: For every project there shall be a project inspector who shall have personal knowledge as defined in Title 24, Part 1, Section 4-336(a) of all work on the project.

All construction is required to be completed in compliance with the project construction documents. The construction documents are required to be in compliance with the California Building Codes in effect at the time the original plans and specifications are submitted to DSA. DSA reviews and approves the submitted plans, specifications and other construction documents for compliance with codes regulating structural safety, fire/life safety and accessibility. Other portions of the plans that do not contain content about or that affect structural safety, fire/life safety and accessibility are not reviewed by DSA and the responsibility for determining code compliance of those portions is the sole responsibility of the design professionals.

In order to distinguish between the portions of the plans that DSA reviews and approves and other portions of the plans, the term DSA-approved construction documents is used for the portions of the plans that are duly approved by DSA, contain information related to and affecting structural safety, fire/life safety, and accessibility. However, all work shown in the project construction documents must be inspected by the project inspector.

The California Administrative Code Section 4-333(b)3 specifically states that “no work shall be carried on except under the inspection of an inspector approved by DSA.” All construction is required to be completed in compliance with the project construction documents which include both the “DSA-approved construction documents” portions and the portions containing all the other work.

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The California Administrative Code requires the project inspector to make certain reports pertaining to the status of construction compliance. To fulfill this requirement, the project inspector shall use the following:

- DSA 151
- DSA 152
- DSA 152-IPi
- DSA 154
- DSA 155
- DSA 6-PI
- Project Inspector Job File.

1. REQUIREMENTS FOR USE OF PROJECT INSPECTION CARD (FORMS DSA 152 AND DSA 152-IPi): The Project Inspection Card (form DSA 152) is considered to be an interim verified report by the project inspector. The DSA 152-IPi is considered to be the final verified report for the in-plant fabrication of permanent modular or relocatable buildings (see *Section 1.7*). The project inspector signs off the applicable blocks and sections on the form as the work progresses. The project inspector is required to complete the form in compliance with this procedure document and reference the Instructional Notes on the second page of form DSA 152 and the *DSA 152 Manual – A Guide for Completing the Project Inspector Card* (DSA 152 Manual). When signing off the blocks and sections of the form, the project inspector is verifying all of the following:

- Identified areas are determined to be in compliance with the DSA-approved construction documents.
- Required structural/material and fire/life safety testing and inspections are complete.
- Required documentation has been received by the project inspector.

Note: For small/fast projects, interim verified reports from the design professionals, geotechnical engineer, Laboratory of Record, and special inspectors are not mandatory if the requirements listed in DSA Policy *PL 14-01: Inspection Card Use for Small/Fast Projects* are met prior to commencing construction.

1.1 Request for issuance of forms DSA 152 and DSA 152-IPi: Form *DSA 102-IC: Construction Start Notice/Inspection Card Request* is used to request the issuance of Project Inspection Cards. After project approval, a DSA 5-PI, DSA 5-IPi (when applicable) must be submitted to and approved by DSA prior to the DSA 102-IC submission. Under circumstances agreed to by DSA prior to project approval, the DSA 5-PI, DSA 5-IPi (when applicable) and DSA 102-IC may be submitted simultaneously and DSA will attempt to expedite the issuance of the DSA 152 and DSA 152-IPi. Once the DSA 5-PI, DSA 5-IPi (when applicable) is approved, DSA (Document Controller) will fill in the "DSA 5-PI Approval Date" (or, when applicable, "DSA 5-IPi Approval Date") in Section 3 of the DSA 102-IC and upload it to DSAbbox. The request is electronically submitted to DSA (See *Section 4* of this procedure for information on electronic submittal) and consists of providing the following required information:

- Identifying the DSA-approved project inspector.
- Contractor firm name and delivery method.
- Specified construction contract information.

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- Project scope (DSA will use this information to determine the quantity of inspection cards needed for the project).
 - Contact information for electronic communication by listing project collaborators.
- 1.2 Issuance of form DSA 152 and DSA 152-IPI:** Project Inspection Cards (DSA 152 and DSA 152-IPI) are issued electronically by upload to [DSABox](#) by DSA per *Section 1.16* of this procedure.
- 1.3 Quantity of DSA 152 and DSA 152-IPI forms required for projects:** The number of Project Inspection Cards issued varies by project type. In general, though there are exceptions for siting or relocation of permanent modular or relocatable buildings (discussed later) and small scope projects of a certain type (described later), one Project Inspection Card (form DSA 152) is required for each separate building and one for the site work (which includes non-building site structures). The number of Project Inspection Cards and building identifiers should match the information specified in form DSA 153: Inspection Card Building Identifier, which is completed by DSA plan review staff during the back check and provided to the design professional upon project plan approval.
- For in-plant construction of permanent modular or relocatable buildings, one Project Inspection Card (DSA 152-IPI) is required for each separate building.
- For the siting or relocation of permanent modular or relocatable buildings 2,160 square feet or less, only one Project Inspection Card (DSA 152) is required encompassing all the buildings, and one Project Inspection Card (DSA 152) is required for the site work (which includes non-building site structures).
- The following small scope type projects require only one Project Inspection Card for all buildings on a campus rather than one Project Inspection Card per building:
- Fire Alarm Only Projects.
 - Hardware Replacement Only Projects.
 - Security Camera Only Projects.
 - Low Voltage (Communication) Only Projects.
- The following is not an exhaustive list of possibilities, but examples of the various project types and the resulting quantity of DSA 152 and DSA 152-IPI forms (**Note:** unless specified otherwise, all references to forms in the examples are to DSA 152 forms):
- 1.3.1 Project scope is site work only (includes non-building site structures, if any):**
- One form is required.
- 1.3.2 Project scope is new buildings:**
- One form for the site work (includes non-building site structures, if any).
 - One form for each separate new building.
- Example:** Construction of three new buildings requires a total of four forms.
- 1.3.3 Project scope is alterations/additions to existing buildings:**
- One form for the site work (includes non-building site structures, if any).
 - One form for each separate existing building being altered or changed.
- Example:** Alterations to two existing buildings requires a total of three forms.

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- 1.3.4 Project scope is alterations to existing buildings and no site work is required (such as mechanical/electrical only projects):**
- One form for each separate existing building being altered or changed.
- Example:** Alterations to two existing buildings requires a total of two forms.
- 1.3.5 Project scope is new buildings and alterations/additions to existing buildings:**
- One form for the site work (includes non-building site structures, if any).
 - One form for each separate new building.
 - One form for each separate existing building being altered or changed.
- Example:** Construction of three new buildings and alterations to two existing buildings requires a total of six forms.
- 1.3.6 Project scope is placing existing relocatable buildings (max. 2160 square feet) on a site:**
- One form for the site work (includes non-building site structures, if any).
 - One form encompassing all of the relocatable buildings being placed on the site.
- Example:** Placing of three existing relocatable buildings on a site requires a total of two forms.
- 1.3.7 Project scope is constructing new permanent modular or relocatable buildings (max. 2160 square feet) and placing them on a site:**
- One DSA 152-IPI form for each separate building for the in-plant construction.
 - One form for the site work (includes non-building site structures, if any).
 - One form encompassing all of the permanent modular or relocatable buildings being placed on the site.
- Example:** Construction and placing of two new permanent modular or relocatable buildings requires a total of four forms: two DSA 152 forms and two DSA 152-IPI forms.
- 1.3.8 Project scope is constructing new relocatable buildings for stockpile:**
- One DSA 152-IPI form for each separate building for the in-plant.
- Example:** Construction of three new relocatable buildings for stockpile requires a total of three DSA 152-IPI forms.
- 1.4 Project Inspection Card numbers:** Project Inspection Card numbers are issued by DSA staff. For each project, the issued inspection card numbers will be consecutive starting with the number 01 (01, 02, 03....) for all buildings. The Project Inspection Card number for site work (includes non-building site structures) will be "#SW." Inspection card numbers for in-plant construction of permanent modular or relocatable buildings will use form DSA 152-IPI and be consecutive starting with the number 01, followed by the letters "IP" (01IP, 02IP, 03IP, etc.). Projects having the small scope defined in Section 1.3 on the inspection card under "Building Number" will indicate "All ___ Buildings" with the number of buildings inserted in the blank.

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- 1.5 Project posting of forms DSA 152 and DSA 152-IPi:** The project inspector and in-plant inspector shall post the forms in his/her job file and shall electronically post the forms (See *Section 4* for information on electronic submittal/posting). The information in the forms shall always be current. Each time the form is updated, a new electronic posting is required such that the electronically posted form is always kept current. In addition, the project inspector shall:
- Immediately, upon request, make the form available for review by any parties involved in the construction.
 - Include a current copy of the forms (DSA 152) any time he/she submits a Verified Report (form DSA 6-PI).
 - Upon request, provide a current copy of the forms to DSA, the school district/state agency, or the design professional in general responsible charge.
- 1.6 Project inspector termination and transfer of the form DSA 152 and DSA 152-IPi:** If the project inspector or in-plant inspector is, for any reason, terminated prior to the completion of the project, then he/she must personally provide the original DSA 152 and DSA 152-IPi forms to the assuming DSA-approved project inspector or in-plant inspector, respectively, or to DSA and provide a copy to the school district. Use form DSA 211 to identify status of inspections completed up to the termination date if the space in the DSA 6-PI or DSA 152-IPi is insufficient to note such. Forms located in DSABox that are current at the time of termination satisfy these requirements.
- 1.7 Permanent Modular and Relocatable buildings:** The design professional in responsible charge shall delegate the responsibility for design and preparation of plans and specifications, observation of in-plant manufacturing, and on-site placement of the permanent modular or relocatable buildings. The individual delegated such responsibility may sub-delegate the responsibility for observation of in-plant and/or on-site construction as indicated on form DSA 1-MR.
- 1.7.1 In-Plant Construction:** In-plant inspectors shall use the DSA 152-IPi as described in *Section 1.5*. Unlike the DSA 152, interim verified reports from the design professionals are not required for the in-plant inspector to sign off the DSA 152-IPi. However, the in-plant project inspector and the design professional delegated or sub-delegated the responsibility for observation of in-plant construction shall sign in the appropriate location on the DSA 152-IPi prior to the permanent modular or relocatable building leaving the plant. A stop work order may apply if this is not done (see *IR A-13: Stop Work and Order to Comply* for additional information).
- Building modules may be shipped to the project site in phases prior to construction of all modules of a building. For each phase, the DSA 152-IPi shall list the serial numbers of the modules constructed, be signed by the delegated design professional, and be attached to those modules being shipped. The final DSA 152-IPi shall denote that all modules have been constructed, be affixed to the last module being shipped to the site, and be uploaded to the DSABox by the in-plant inspector. The site inspector shall verify receipt of the final DSA 152-IPi prior to installation of the last module.
- If the in-plant inspector does not perform welding special inspection, the Laboratory of Record or independently hired welding special inspector shall provide verified reports, either form *DSA 291: Laboratory of Record Verified Report* or *DSA 292: Special Inspectors Employed Directly by the District Verified Report* depending on the welding special inspector's employment relationship with the Laboratory of Record (see *Section 1.10* and *1.11* for additional information). In this situation,

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verified reports for testing of materials and special inspection of the welding are required for the in-plant inspector to complete the appropriate block on the DSA 152-IPI. These verified reports shall be submitted electronically to DSA as described in *Section 4*.

- 1.7.2 Transfer of forms:** For construction of new permanent modular or relocatable buildings for a specific project (not stockpile), the DSA 152-IPI, DSA 291, and DSA 292 (when applicable) for the superstructure must be attached to the inside of the building either performed by or attachment verified by the in-plant project inspector prior to the permanent modular or relocatable building leaving the plant. The on-site project inspector must verify these forms are present when the buildings are delivered to the site.

For the first-time installation of permanent modular or relocatable buildings, the design professional delegated or sub-delegated the responsibility for on-site construction observation shall complete a DSA 6-AE at applicable times defined in this procedure and submit it to DSA and the on-site project inspector.

- 1.8 Duties of the project inspector and in-plant inspector related to the use of forms DSA 152 and DSA 152-IPI, respectively, are as follows:**

Note: For in-plant construction, the in-plant inspector shall follow the duties described below for project inspectors and substitute form DSA 152-IPI for form DSA 152.

- Act under the direction of the architect/engineer.
- Ensure the project is issued the correct quantity of Project Inspection Cards (form DSA 152). The project inspector is required to be in possession of the form(s) DSA 152 prior to commencement of construction. Title 24, Part 1, Section 4-342(b).5.A requires the project inspector to notify DSA when construction work on the project is started. Entering the "Card Start Date" on the form DSA 152 and submitting the form DSA 151 are required for compliance with that code section. Lack of compliance may cause DSA to issue a "Stop Work Order" on the project (see IR A-13 for additional information).
- Obtain a copy of the DSA-approved construction documents from the design professional in general responsible charge prior to the commencement of construction.
- Obtain a copy of the DSA-approved List of Required Structural Tests and Special Inspections (form DSA-103) from the design professional in general responsible charge (or DSABOX, when the electronic back check process is used per DSA Procedure PR 16-01: *Electronic Back Check for Plan Review Projects*) prior to the commencement of construction.
- Meet with the school district, design professionals, and contractor as needed to mutually communicate and understand the structural/material and fire/life safety testing and inspection program, and the methods of communication appropriate for the project.
- Meet with the Laboratory of Record and any independently contracted special inspectors and technicians to mutually communicate and understand the structural/material and fire/life safety testing and inspection program, and the methods of communication appropriate for the project. In cooperation with the Laboratory of Record, develop a schedule of required structural/material and fire/life-safety tests and special inspections based on the construction schedule.

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- Immediately notify the DSA Regional Office with construction oversight authority for the project, by phone and electronically by using form DSA 154, if construction commences without DSA 152 forms in the possession of the project inspector (see *Section 4* for information on electronic submittal).
 - For permanent modular or relocatable buildings, the school site project inspector must receive a properly completed DSA 152-IPI prior to such buildings being placed in their final location.
- Provide personal, competent, adequate and continuous construction inspections of all aspects of the construction work.
- Monitor the work of the Laboratory of Record and Special Inspectors to ensure the testing and special inspection program is satisfactorily completed.
- Use the information found in the *DSA 152 Manual* to ensure necessary tests and inspections are completed and that necessary documents are in the job file prior to approving (signing off) each applicable block and section of each form DSA 152. Make requests to appropriate individuals for interim verified reports when such reports are required.
- Sign off applicable blocks and sections of the DSA 152 forms when:
 - The completed work is in compliance with the DSA-approved construction documents.
 - All necessary structural/material and fire/life safety testing and inspections are complete.
 - Any deviations from the DSA-approved construction documents are resolved.
 - Any DSA Field Trip Notes issues are resolved.
 - All necessary documents are received by the project inspector.

If any block or section is not applicable to the construction the inspector shall enter "NA" for the date and provide initials.

Until the project inspector has signed off applicable blocks and sections of the form DSA 152, the contractor may be prohibited from proceeding with subsequent construction activities that cover up the unapproved work. Any subsequent construction activities that cover up the unapproved work will be subject to a "Stop Work Order" from DSA or the school district (see IR A-13 for additional information), and are subject to removal and remediation if found to be in noncompliance with the DSA-approved construction documents (see *Section 1.17* for information about incremental work).

- Immediately notify the DSA Regional Office with construction oversight authority for the project, by phone and electronically, if applicable blocks/sections of form DSA 152 have not been signed off and the contractor proceeds with subsequent construction activities that cover up the unapproved work. For electronic notifications, use form DSA 151 (see *Section 1.17* for information about incremental work).

EXCEPTION: Projects with concrete cast-in-place deep foundations may have construction occurring in multiple blocks and sections prior to sign-off due to the nature of soil inspections for such. For example, verification of concrete or grout volumes to ensure no significant soil caving has occurred is part of the geotechnical engineer's soil inspections for these types of foundations. In such cases, the project inspector does NOT need to notify the DSA Regional Office

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with construction oversight authority for the project that the contractor is proceeding with activities that cover up unapproved work, provided the following:

- The geotechnical engineer is on-site during boring/drilling and concrete placement.
- The geotechnical engineer has not identified any other soil issues specifically associated with the deep foundation hole or surrounding area which could impact the structural stability of the hole or foundation.
- If the project inspector is, for any reason, terminated prior to the completion of the project, refer to *Section 1.6*.

1.9 Duties of the Laboratory of Record related to the use of form DSA 152 and DSA 152-IPI are as follows:

- Meet with the project inspector, in-plant inspector (when applicable), design professionals, and the contractor as needed to mutually communicate and understand the structural/material and fire/life safety testing and inspection program, and the methods of communication appropriate for the project.
- Obtain a copy of the DSA-approved construction documents from the design professional in general responsible charge prior to the commencement of construction.
- Obtain a copy of the DSA-approved List of Required Structural Tests and Special Inspections (form DSA-103) from the design professional in general responsible charge prior to the commencement of construction.
- Report all project-related activities to the project inspector. The project inspector is responsible for monitoring the work of the Laboratory of Record and special inspectors to ensure the testing and special inspection program is satisfactorily completed. Coordinate with the project inspector to develop a schedule, based on the construction schedule, to complete the testing and special inspection program.
- Provide material testing as identified in the DSA-approved construction documents.
- Submit test reports to the project inspector within one work day of the day the tests were performed for any tests performed on-site.
- Submit material test reports in a timely manner such that construction is not delayed and not to exceed seven calendar days from the date the material tests were performed. Test reports are to be submitted to the project inspector, architect, structural engineer, and the school district and, when requested, to DSA. As a convenience, and if agreed upon by involved parties, the test reports may be submitted electronically as identified in *Section 4* of this procedure.
- Immediately submit reports of material tests not conforming to the requirements of the DSA-approved construction documents. These reports shall be submitted to DSA, the architect, structural engineer, project inspector and the school district.
- The engineering manager shall submit an interim Laboratory of Record Verified Report (form DSA 291) and the geotechnical engineer shall submit an interim Geotechnical Verified Report (form DSA 293) as prescribed in *Section 4*.

The reports are required to be submitted when any of the following events occur:

- Within 14 days of the completion of the material testing/special inspection program.

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- Work on the project is suspended for a period of more than one month.
- The services of the Laboratory of Record are terminated for any reason prior to completion of the project.
- DSA requests a verified report. (See interim verified reports below. This is a "DSA request.")
- The engineering manager shall submit an interim verified report (form DSA 291) and the geotechnical engineer shall submit form DSA 293 as prescribed in *Section 4* for each of the applicable sections of the form DSA 152, prior to the project inspector signing off that section of the project inspection card, if that section required material testing. (Interim verified reports are not required for the DSA 152-IPI unless the Laboratory of Record employs welding special inspectors for in-plant special inspection; see *Section 1.7* for verified report requirements.) The sections are:
 1. Initial Site Work and Foundation Prep.
 2. Vertical and Horizontal Framing.
 3. Appurtenances.
 4. Finish Site Work and Other Work.

1.10 Duties of Special Inspectors, employed by the Laboratory of Record, related to the use of form DSA 152 and DSA 152-IPI are as follows:

- Meet with the project inspector, design professionals, and the contractor as needed to mutually communicate and understand the structural/material and fire/life safety testing and inspection program, and the methods of communication appropriate for the project.
- Report all project-related activities to the project inspector. The project inspector is responsible for monitoring the work of the Laboratory of Record and special inspectors to ensure the testing and special inspection program is satisfactorily completed.
- Perform work under the supervision of the engineering manager for the Laboratory of Record.
- Perform inspections in conformance with the DSA-approved construction documents, applicable codes and code reference standards.
- Prepare detailed daily inspection reports outlining the work inspected and provide the project inspector a copy of the reports within one day of the day the inspections were performed.
- Immediately submit reports of materials or work not conforming to the requirements of the DSA-approved construction documents. These reports shall be submitted to DSA, the architect, structural engineer, project inspector and the school district.
- Submit daily special inspection reports in a timely manner such that construction is not delayed and not to exceed seven days from the date the special inspections were performed. The reports are to be submitted to the architect, structural engineer, and the school district. As a convenience, and if agreed upon by involved parties, the special inspection reports may be submitted electronically as identified in *Section 4* of this procedure.
- The engineering manager for the Laboratory of Record shall submit verified report form DSA 291 as prescribed in *Section 4*. Unlike special inspectors independently



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contracting directly with the school district, the verified report form DSA 292 is not required since the form DSA 291 covers special inspections made by laboratory employed special inspectors.

The reports are required to be submitted upon any of the following events occurring:

- Within 14 days of the completion of the special inspection work.
- Work on the project is suspended for a period of more than one month.
- The services of the special inspector are terminated for any reason prior to completion of the project.
- DSA requests a verified report (see interim verified reports below; this is a *DSA request*).
- The engineering manager for the Laboratory of Record shall submit an interim verified report (form DSA 291) as prescribed in Section 4 for each of the applicable sections of the form DSA 152, prior to signing off that section of the Project Inspection Card, if that section required special inspections. (Interim verified reports are not required for the DSA 152-IPI unless another special inspector, employed by the Laboratory of Record or independently and directly with the school board, performs welding special inspection; see *Section 1.7* for verified report requirements). The sections are:
 1. Initial Site Work and Foundation Prep.
 2. Vertical and Horizontal Framing.
 3. Appurtenances.
 4. Finish Site Work and Other Work.

1.11 Duties of Special Inspectors, not employed by the Laboratory of Record, related to the use of form DSA 152 and DSA 152-IPI are as follows:

- Meet with the project inspector, Laboratory of Record, the design professionals, and the contractors as needed to mutually communicate and understand the structural/material and fire/life safety testing and inspection program, and the methods of communication appropriate for the project.
- Obtain a copy of the DSA-approved construction documents from the design professional in general responsible charge prior to the commencement of construction.
- Obtain a copy of the DSA-approved List of Required Structural Tests and Special Inspections (form DSA-103) from the design professional in general responsible charge prior to the commencement of construction.
- Report all project-related activities to the project inspector. The project inspector is responsible for monitoring the work of the Laboratory of Record and special inspectors to ensure the testing and special inspection program is satisfactorily completed.
- Perform work under the direction of the design professional in general responsible charge, as defined in Section 4-335(f)1B of the 2013 and 2016 California Administrative Code (Title 24, Part 1).
- Perform inspections in conformance with the DSA-approved construction documents, applicable codes and code reference standards.

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- Prepare detailed daily inspection reports outlining the work inspected and provide the project inspector a copy of the reports within one day of the day the inspections were performed.
- Immediately submit reports of materials or work not conforming to the requirements of the DSA-approved construction documents. These reports shall be submitted to DSA, the architect, structural engineer, project inspector and the school district.
- Submit daily special inspection reports in a timely manner such that construction is not delayed and not to exceed seven days from the date the special inspections were performed. The reports are to be submitted to the project inspector, architect, structural engineer, and the school district and, when requested, to DSA. As a convenience, and if agreed upon by involved parties, the special inspection reports may be submitted electronically as identified in *Section 4* of this procedure.
- Submit form DSA 292: Special Inspectors Employed Directly by the District Verified Report as prescribed in *Section 4*.

The reports are required to be submitted upon any of the following events occurring:

- Within 14 days of the completion of the special inspection work.
 - Work on the project is suspended for a period of more than one month.
 - The services of the special inspector are terminated for any reason prior to completion of the project.
 - DSA requests a verified report (see interim verified reports below; this is a "DSA request").
- Special inspectors who contract directly with the school district are to submit an interim Special Inspectors Employed Directly by the District Verified Report (form DSA 292) as prescribed in *Section 4* for each of the applicable sections of the form DSA 152, prior to the project inspector signing off that section of the Project Inspection Card, if that section required special inspections. (Interim verified reports are not required for the DSA 152-IPI unless the independent special inspector performs welding special inspection; see *Section 1.7* for verified report requirements). The sections are:
 1. Initial Site Work and Foundation Prep.
 2. Vertical and Horizontal Framing.
 3. Appurtenances.
 4. Finish Site Work and Other Work.

1.12 Duties of the Architect/Engineer related to the use of forms DSA 152 and DSA 152-IPI are as follows:

- Responsible to the school board and to DSA to see that the completed work conforms in every material respect to the DSA-approved construction documents.
- Ensure the project inspector, in-plant inspector (when applicable), and independently contracting special inspector(s) (i.e., not employed by the Laboratory of Record) are approved by DSA for the project by submitting form DSA 5-PI, DSA 5-IPI (when applicable) and DSA 5-SI (for independently contracting special inspector(s)) to and obtaining approval from DSA prior to the start of construction, and prior to requesting issuance of form DSA 152 or DSA 152-IPI.
- Provide a copy of all the DSA-approved construction documents to the project

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inspector, in-plant inspector (when applicable), Laboratory of Record and special inspector(s) independently contracting directly with the school district prior to the commencement of construction.

- Provide a copy of the DSA-approved List of Required Structural Tests and Special Inspections (form DSA-103) to the project inspector, in-plant inspector (when applicable), Laboratory of Record and special inspector(s) independently contracting directly with the school district prior to the commencement of construction. Upload a copy of the approved List of Required Structural Tests and Special Inspections (form DSA-103) to the applicable A/E folder in DSAbbox in accordance with *Section 4* of this procedure.
- Provide general direction of the work of the project inspector and in-plant inspector (when applicable).
- Issue specific instructions to the testing facility and the special inspectors prior to start of construction.
- Direct and monitor the work of special inspectors who are not provided by the Laboratory of Record, as defined in Section 4-335(f)1B of the 2013 and 2016 California Administrative Code (Title 24, Part 1).
- Notify DSA as to the disposition of materials noted on laboratory testing, and/or special inspection reports as not conforming to the DSA-approved construction documents. Facilitate resolution of deviation notices as needed in association with such non-conforming aspects.
- Respond to DSA Field Trip Notes (form DSA 135 or comparable) as necessary, especially those items identified with a time frame for response in order to avoid potential covering up of deviated work and/or a stop work order.
- Provide observation of the construction. All architects and engineers having responsibility for observation of the work as listed on the Application for Approval of Plans and Specifications (form DSA 1 and DSA 1-MR, when applicable), shall maintain such personal contact with the project as is necessary to assure themselves of compliance, in every material respect, with the DSA-approved construction documents. Personal contact shall include visits to the project site by the architect or engineer or their qualified representative to observe the construction.
- Administer CCDs as prescribed in IR A-6.
- The architect or engineer, as identified above, is required to submit Architect/Engineer Verified Reports (form DSA 6-AE or, when applicable, sign the DSA 152-IPI for construction of permanent modular or relocatable buildings) as prescribed in *Section 4*.

The reports are required to be submitted when any of the following events occur:

- The project is substantially complete. DSA considers the project to be complete when the construction is sufficiently complete in accordance with the DSA-approved construction documents so that the owner can occupy or utilize the project.
- Work on the project is suspended for a period of more than one month.
- The services of the architect or engineer are terminated for any reason prior to completion of the project.
- DSA requests a verified report (see interim verified reports below; this is a

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- The architect or engineer shall submit an interim Architect/Engineer Verified Report (form DSA 6-AE) as prescribed in *Section 4* for each of the applicable sections of the form DSA 152 prior to the project inspector signing off that section of the project inspection card. (Interim verified reports are not required for the DSA 152-IPI; see *Section 1.7* for verified report requirements). The sections are:

1. Initial Site Work and Foundation Prep.
2. Vertical and Horizontal Framing.
3. Appurtenances.
4. Finish Site Work and Other Work.

1.13 Duties of the design professionals delegated responsibility related to the use of forms DSA 152 and DSA 152-IPI are as follows:

- Responsible to the school board and to DSA to see that the completed work for which they are delegated responsibility conforms in every material respect to the DSA-approved construction documents.
- For the architect or engineer delegated responsibility for observation of fabrication of modular or relocatable buildings in *Section 1.0* or, when sub-delegated, *Section 1.1* of the DSA 1-MR, ensure the in-plant inspector and independently contracting special inspector(s) (i.e., not employed by the Laboratory of Record) are approved by DSA for the project by submitting form DSA 5-IPI and DSA 5-SI (for independently contracting special inspector(s)) to and obtaining approval from DSA prior to the start of construction, and prior to requesting issuance of form DSA 152-IPI.
- Provide observation of the construction. All architects and engineers having delegated responsibility are also responsible for observations of the applicable portions of the work as delegated on the Application for Approval of Plans and Specifications (form DSA 1 and, when applicable, DSA 1-MR) (if there are any changes to such delegated individuals after project approval, use form DSA 108 to indicate such changes). As such, they shall maintain such personal contact with the project as is necessary to assure themselves of compliance, in every material respect, with the DSA-approved construction documents. Personal contact shall include visits to the project site by the architect or engineer or their qualified representative to observe the construction. The geotechnical engineer is included in this required duty for scope related to geotechnical engineering.
- For the architect or engineer delegated responsibility for observation of in-plant construction of permanent modular or relocatable buildings, the term "personal contact" shall mean periodic visits to manufacturing plants of reasonable frequency to provide general observation and verify quality assurance of construction practices, and project-specific knowledge obtained from the reporting of inspectors and special inspectors on the progress of the work, testing of materials, inspection, and superintendence of the work in accordance with the DSA-approved construction documents. Reports may include photos and digital images. The exercise of reasonable diligence to obtain the facts is required.
- Submit an Architect/Engineer Verified Report (form DSA 6-AE or, when applicable, sign the DSA 152-IPI for construction observation of permanent modular or relocatable buildings; see *Section 1.7* for additional information) as prescribed in *Section 4*.



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The reports are required to be submitted upon any of the following events occurring:

- The project is substantially complete. DSA considers the project to be complete when the construction is sufficiently complete in accordance with the DSA-approved construction documents so that the owner can occupy or utilize the project.
- Work on the project is suspended for a period of more than one month.
- The services of the architect or engineer are terminated for any reason prior to completion of the project.
- DSA requests a verified report (see interim verified reports below; this is a "DSA request").
- The Design Professional in General Responsible Charge shall submit an Interim Architect/Engineer Verified Report (form DSA 6-AE), signed by all architects and engineers having delegated responsibility for construction observation as prescribed in *Section 4*. Such a report is required for each of the sections of the form DSA 152 applicable to the areas of delegated responsibility, prior to the project inspector signing that section off on the project inspection card. (Interim verified reports are not required for the DSA 152-IP1; see *Section 1.7* for verified report requirements). The sections are:
 1. Initial Site Work and Foundation Prep.
 2. Vertical and Horizontal Framing.
 3. Appurtenances.
 4. Finish Site Work and Other Work.

1.14 Duties of contractor related to the use of forms DSA 152 and DSA 152-IP1 are as follows:

- The contractor shall carefully study the DSA-approved documents and shall plan a schedule of operations well ahead of time.
- If at any time it is discovered that work is being done which is not in accordance with the DSA-approved construction documents, the contractor shall correct the work immediately.
- Verify that DSA 152 and, when applicable, DSA 152-IP1 forms were issued for the project prior to the commencement of construction.
- Meet with the design team, the Laboratory of Record and the project inspector to mutually communicate and understand the structural/material and fire/life safety testing and inspection program, and the methods of communication appropriate for the project.
- Notify the project inspector and, when applicable, in-plant inspector, in writing, of the commencement of construction of each and every aspect of the work at least 48 hours in advance by submitting Commencement/Completion of Work Notification (form DSA 156), or other agreed-upon written documents, to the project inspector.
- Notify the project inspector and, when applicable, the in-plant inspector, of the completion of construction of each and every aspect of the work by submitting form DSA 156 (or other agreed-upon written documents) to the project inspector.
- Consider the relationship of the signed-off blocks and sections of the form DSA 152 and the commencement of subsequent work. Until the project inspector has signed

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off applicable blocks and sections of the form DSA 152, the contractor may be prohibited from proceeding with subsequent construction activities that cover up the unapproved work. Any subsequent construction activities that cover up the unapproved work will be subject to a "Stop Work Order" from DSA or the school district (see IR A-13 for additional information), and are subject to removal and remediation if found to be in noncompliance with the DSA-approved construction documents.

- Submit the final verified report. All prime contractors are required to submit final Contractor Verified Reports (form DSA 6-C) as prescribed in *Section 4*.

The reports are required to be submitted upon any of the following events occurring:

- The project is substantially complete. DSA considers the project to be complete when the construction is sufficiently complete in accordance with the DSA-approved construction documents so that the owner can occupy or utilize the project.
- Work on the project is suspended for a period of more than one month.
- The services of the contractor are terminated for any reason prior to the completion of the project.
- DSA requests a verified report.

1.15 Duties of the school district related to the use of forms DSA 152 and DSA 152-IPI are as follows:

- Provide for competent, adequate and continuous construction inspections and material testing for the project by employing an appropriate DSA certified and approved project inspector, in-plant inspector (when applicable), and Laboratory of Record.
- Contractually provide for and ensure that the design team is fulfilling their code required duty to observe the construction by making periodic visits of reasonable frequency. All architects and engineers having responsibility for observation of the work as listed on the Application for Approval of Plans and Specifications (form DSA 1 and, when applicable, DSA 1-MR), shall maintain such personal contact with the project as is necessary to assure themselves of compliance, in every material respect, with the DSA-approved construction documents. Personal contact shall include visits to the project site by the architects and engineers or their qualified representatives to observe the construction. For permanent modular or relocatable buildings, the architect or engineer delegated responsibility for observation of in-plant construction, personal contact shall mean visits to manufacturing plants of sufficient frequency to provide quality assurance of construction and in-plant structural/material and fire/life safety testing and inspection in accordance with the DSA-approved construction documents.
- Ensure that the project inspector and independently contracting special inspector(s) (i.e., not employed by the Laboratory of Record) are approved by DSA for the project by submitting form DSA 5-PI (DSA 5-AI for assistant inspectors; DSA 5-IPI for in-plant inspectors) and DSA 5-SI to and obtaining approval from DSA prior to the start of construction and prior to requesting issuance of project inspection cards (DSA 152 and, when applicable, DSA 152-IPI forms).
- Ensure the Laboratory of Record is DSA-accepted and employed by the school district prior to the start of construction and prior to requesting issuance of project inspection cards (DSA 152 and, when applicable, DSA 152-IPI forms).

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- Ensure that the Project Inspection Cards (DSA 152 and, when applicable, DSA 152-IPI forms) are issued prior to commencement of construction.
- Submit Statement of Final Actual Project Cost (form DSA 168) to DSA when the project is substantially complete.

1.16 Duties of DSA related to the use of forms DSA 152 and DSA 152-IPI are as follows:

- Evaluate the submitted form DSA 5-PI, DSA 5-IPI (when applicable), DSA 5-AI, and/or DSA 5-SI (when applicable) to determine if the proposed project inspector and, when applicable, the in-plant inspector are qualified for the project.
- Upon determining the proposed project inspector and, when applicable, in-plant inspector and/or special inspector is qualified for the project, approve and return the form DSA 5-PI, DSA 5-IPI (when applicable), DSA 5-AI, and/or DSA 5-SI (when applicable) within five working days of receipt.
- Upon receipt of a completed form DSA 102-IC and approval of the DSA 5-PI and DSA 5-IPI (when applicable), determine the necessary quantities of Project Inspection Cards (DSA 152 and DSA 152-IPI forms), assign the Project Inspection Card numbers and issue the cards within five working days.
- Upload forms DSA 5-PI, DSA 5-IPI (when applicable), DSA 5-AI, and/or DSA 5-SI (when applicable), DSA 102-IC, DSA 152 and DSA 152-IPI to DSABox.
- Hold all involved parties accountable for compliance with their required duties.
- Supervise and review the performance of the project inspector (includes review of the project inspector's job file and use of form DSA 119 and, at project completion, use of form DSA 180).
- Make site visits as necessary. Record pertinent items to document the site visit and communicate to the project inspector, in-plant inspector, design professionals, special inspectors, Laboratory of Record, and school district using form DSA 135.
- Issue Orders to Comply or Stop Work Orders, in compliance with DSA IR A-13, if required, and as appropriate to achieve compliance with the DSA-approved construction documents and applicable codes (this includes DSA procedure PR 13-01 since the procedure implements the relevant sections of the CCR, Title 24, Part 1).

1.17 Use of form DSA 152 for parts of the construction that require multiple increments: Some construction requires incremental work to make a complete system. An example is a large foundation system that may be placed incrementally over a period of time. In this example, framing may be starting in one area (where the foundation is in place) while foundation work is still occurring in another area of the same building. The expectation of DSA for these occurrences is:

- The Project Inspection Card applicable blocks and sections are signed off by the project inspector at the completion of the system, not during the construction of the increments.
- Until the system is complete, the project inspector, architect/engineers and contractors mutually agree on a system to keep track of compliant construction. One such system (using the above example) may be that a copy of the foundation plan is marked up showing areas of compliance. The applicable blocks and sections of the inspection card are then signed off once all areas of the foundation are complete, are determined to be in compliance with the DSA-approved construction documents, the

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required structural/material and fire/life safety testing and inspections are complete, and the required documentation has been received by the project inspector.

- 1.18 Executive Summary of Form DSA 152:** See Appendix A for a summary of typical construction components and systems that are associated with each section/block of the inspection card. While the listing is not comprehensive, it provides a good foundation for understanding and consistency.

- 2. REQUIREMENTS FOR THE USE OF FORMS DSA 151, DSA 154, DSA 155, AND DSA 6-PI:** **Note:** For in-plant construction, the in-plant inspector shall follow the requirements described below for project inspectors.

2.1 Requirements for use of form DSA 151: Project Inspector Notifications:

- The project inspector must make certain notifications to DSA. These include start of work, minimum 48 hours' notice prior to completion of foundation trenches, minimum 48 hours' notice prior to first concrete placement or significant concrete placement, and when work is suspended for more than one month.
- If there is an incorrect number or missing DSA 152 or DSA 152-IPI cards, the project inspector shall notify DSA using the form DSA 151.
- The report shall be made on form DSA 151 and submitted to DSA. Lack of compliance may be cause for DSA to record this noncompliance on the form DSA 119.
- A copy of each notification shall be kept in the project inspector's job file.

2.2 Requirements for use of form DSA 154: Notice of Deviations/Resolution of Deviations:

- When the project inspector identifies deviations from the DSA-approved construction documents the inspector must verbally notify the contractor. If the deviations are not corrected within a reasonable time frame or the contractor has covered up non-inspected or noncompliant work, the inspector is required to promptly issue a written notice of deviation to the contractor, with a copy sent to the design professional in general responsible charge and DSA.
- When the noticed deviations are corrected, the inspector is required to promptly issue a written notice of resolution to the contractor, with a copy sent to the design professional in general responsible charge and DSA.
- Deviations include both construction deviations and material deficiencies.
- The written notice of deviations shall be made using form DSA 154 and submitted to DSA (do not sign Section 3 of the form for deviation notifications). Lack of compliance may cause DSA to record this noncompliance on the form DSA 119.
- The notice of resolution of deviations shall be made using the original form DSA 154 that reported the deviations and be submitted to DSA (complete and sign Section 3 of the form for resolution of deviations). Lack of compliance may be cause for DSA to record this noncompliance on the form DSA 119.
- A copy of each notice shall be kept in the project inspector's job file.

2.3 Requirements for use of form DSA 155: Project Inspector Semi-Monthly Report:

- The project inspector must make semi-monthly reports (on the 1st and 16th of every month) on the progress of construction. The Project Inspector Semi-Monthly Report must be submitted to the design professional in general responsible charge, project

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structural engineer, DSA, and the school district.

- The report must be made on form DSA 155 and submitted to DSA. Lack of compliance may cause DSA to record this noncompliance on the form DSA 119.
- A copy of each report shall be kept in the project inspector's job file.

2.4 Requirements for use of Project Inspector Verified Report (form DSA 6-PI; form DSA 152-IPI for in-plant inspectors):

- The project inspector shall submit Project Inspector Verified Report (form DSA 6-PI; form DSA 152-IPI) directly to DSA, the design professional in general responsible charge and the school district upon any of the following events occurring:
 - Work on the project is suspended for a period of more than one month.
 - The services of the inspector are terminated for any reason prior to completion of the project and such termination is not a result of work stoppage.
 - At the time of occupancy of any building, or portion of a building, involved in the project prior to completion of the entire DSA-approved scope of work. This reporting requirement applies to buildings that are newly constructed or rehabilitated as part of the project. A sketch drawing or written description shall be submitted to DSA, along with the DSA 6-PI, in order to identify the building(s) or portion thereof where occupancy has occurred.
 - The project is substantially complete. DSA considers the project to be complete when the construction is sufficiently complete, in accordance with the DSA-approved construction documents, so that the owner can occupy or utilize the project as determined by the project owner and design professional in general responsible charge.
 - DSA requests a verified report. The Project Inspection Card, form DSA 152; DSA 152-IPI, is considered a project inspector's verified report as requested by DSA and as such the applicable blocks and sections shall be kept updated as construction progresses.

Note: Each project may require filing of multiple reports. For example, the code requires filing a verified report for buildings that become occupied prior to completion of the entire scope. The same project will also require a final verified report upon completion of the entire project scope.

- The verified reports shall be made using forms DSA 6-PI and DSA 152 / DSA 152-IPI as appropriate, and submitted to DSA. Lack of compliance may cause DSA to record this noncompliance on the form DSA 119.
- A copy of each verified report shall be kept in the project inspector's job file.

3. REQUIREMENTS FOR PROJECT INSPECTOR JOB FILE: Refer to *IR A-8: Project Inspector and Assistant Inspector Duties and Performance* for a thorough discussion about requirements for the project inspector's job file.

Note: The in-plant inspector shall also follow the requirements described in IR A-8 for the project inspector's job file and substitute DSA 152-IPI for DSA 152.)

4. ELECTRONIC SUBMITTAL OF DOCUMENTS TO DSA: Wherever in this procedure it indicates to submit a document to DSA, the document shall be submitted using the method indicated below.

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- 4.1 Submittal of all forms DSA 5 and DSA 102-IC:** These two forms shall be sent by email to the DSA Regional Office with the construction oversight authority for the project.

Email addresses for submittals are:

- DSA Oakland: oakfielddocs@dgs.ca.gov
- DSA Sacramento: sacfielddocs@dgs.ca.gov
- DSA Los Angeles: lafielddocs@dgs.ca.gov
- DSA San Diego: sdfielddocs@dgs.ca.gov

- 4.2 Submittal of all other forms and documents:** Submittals shall be uploaded to DSABox. For DSABox instructions see [DSABox External Library](#). All documents submitted to DSABox shall be in PDF format. The naming convention specified in Section 1.4 of the DSABox External Users Training Module shall be used when uploading documents to DSABox. Any document(s) incorrectly uploaded or named will be deleted and a notification with a deadline for the corrected submittal will be sent to the appropriate responsible individual(s). If the corrected document(s) is not uploaded by the notification specified deadline, it may result in an uncertified project and identification of the responsible individual(s) and missing document(s) noted on the DSA 301-P posted for public viewing in [DSA Certification Box](#).

Note: Once a DSA 301-P is issued, there will no longer be access to upload documents to DSABox; instead, documents must be uploaded to DSA Certification Box (see DSA Procedure PR 13-02: *Project Certification Process* for additional information).

- 4.2.1 Documents required to be uploaded to DSABox by the Project Inspector include: Note:** The in-plant inspector for permanent modular or relocatable buildings will submit the same documents described below but replace DSA 152 with DSA 152-IPI.
- DSA 6-PI
 - DSA 130
 - DSA 151
 - DSA 152
 - DSA 152-IPI
 - DSA 154
 - DSA 155
 - DSA 156
- 4.2.2 Documents required to be uploaded to DSABox by the Laboratory include:**
- DSA 291
 - DSA 293
 - DSA 109
 - Test and inspection reports (Nonconforming and, when requested by DSA, conforming per Section 1.9 of this Procedure).
- 4.2.3 Documents required to be uploaded to DSABox by the Architect/Engineer in General Responsible Charge include:**

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- DSA 6-AE
 - DSA-103
 - *DSA 140: Application for Approval of Construction Change Document – CCD Category A/B.*
- 4.2.4 Documents required to be uploaded to DSABox by Contractors include:**
- DSA 6-C
- 4.2.5 Documents required to be uploaded to DSABox by the School District/Owner include:**
- DSA 108
 - DSA 168
- 4.2.5.1 Documents required to be uploaded to DSABox by Special Inspectors not in the employ of the Laboratory of Record include:**
- DSA 292.
 - Special Inspector test and inspection reports (Nonconforming).
- 4.2.5.2 Documents required to be uploaded to DSABox by Geotechnical Engineers not in the employ of the Laboratory of Record include:**
- DSA 293
 - Special Inspector test and inspection reports (Nonconforming).
- 5. APPLICABILITY OF PROCEDURE PR 13-01:**
- 5.1 Projects with Construction Started on or after June 1, 2013:** This procedure is applicable and must be implemented at the start of construction.
- 5.2 Projects with Construction Started before June 1, 2013, but not complete:**
- In order to allow for transition, the following portions of this procedure shall be implemented as noted below. Required reporting and submittal of documents shall continue to be done in the manner currently employed on the project:
- 5.2.1 Form DSA 151: Project Inspector Notifications:**
- The project inspector shall comply with the requirements of this procedure for all notifications to DSA for affected work starting after July 1, 2013.
- 5.2.2 Form DSA 154: Notice of Deviations/Resolution of Deviations:**
- The project inspector shall comply with the requirements of this procedure for all deviations occurring after July 1, 2013, and for all unresolved project deviations.
- 5.2.3 Form DSA 155: Project Inspector Semi-Monthly Report:**
- The project inspector shall comply with the requirements of this procedure for all semi-monthly reports issued after July 1, 2013.
- 5.2.4 Form DSA 6-PI: Project Inspector Verified Report:**
- The project inspector shall comply with the requirements of this procedure effective June 1, 2013.
- 5.2.5 Project Inspector Job File:**
- The project inspector's job file shall comply with the requirements of IR A-8.



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A DSA Procedure documents a process or series of steps that DSA staff and/or external stakeholders must complete in order to fulfill one or more administrative requirements of DSA's review and approval of plans and specifications and construction oversight programs.

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APPENDIX

Executive Summary of DSA 152 Project Inspection Card: The following provides a summary of typical construction components and systems that are associated with each section/block in the inspection card. While the listing is not comprehensive, it provides a good foundation for understanding and consistency. Refer to the *DSA 152 Manual* for additional detailed inspection and documentation requirements.

SECTION 1 – INITIAL SITE WORK AND FOUNDATION PREP:

Block 1 – Mass Grading

- Rough Grading of Overall Site
- Cuts/Fills
- Soil Remediation
- Soil Stabilization
- Soil Nails, Tie Backs, Rock/Soil Anchors
- Horizontal/Vertical Controls

Block 3 – Drainage Devices

- Storm Water Collection/Distribution systems
- On-Site Retention Systems
- Foundation Drain systems
- Retaining Wall Drain Systems

Block 5 – Excavations

- Foundation Systems
- Driven Piles

Block 7 – Steel Reinforcing

- Reinforcing (bars, tendons, etc.)
- Embeds

Block 2 – Building Pad

- Soil Preparation Specific to Support of Structures
- Building Pad
- Soil Remediation
- Soil Densification
- Stone Columns

Block 4 – Utilities (Rough-in)

- FLS Utilities/Systems
- MEP Utilities/Systems
- MEP Vaults
- Thrust Blocks

Block 6 – Forms

- Formwork
- FLS Systems
- MEP Systems
- Waterproofing/Vapor Barriers

SECTION 2 - VERTICAL AND HORIZONTAL FRAMING:

Block 8 – Foundation Concrete

- Verify Foundation Is Compliant (concrete 28 day strength, etc.)

Blocks 9 - 12 – Concrete, Masonry,

Wood, Steel

- Walls
- Columns
- Frames

Blocks 13-15 – Concrete, Wood, Steel

- Floors
- Roofs

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SECTION 3 – APPURTENANCES:**Block 16 – Ceilings**

- Ceilings
- Soffits
- Suspended Baffles

Block 17 – Exterior Cladding

- Storefront/Window Walls
- Veneer
- Precast Concrete Panels
- Wall Finishes
(stucco/plaster/wood/aluminum/etc.)
- Manufactured Systems (EFIS,
GRFC, etc.)

Block 18 – Rated Assemblies

- Walls
- Shafts
- Floors
- Roofs
- Ceilings
- Doors
- Fire Doors
- Windows
- Penetrations
- Dampers
- Fire-Proofing

Block 19 – Fire Alarms:

- Fire/Smoke Alarm System (includes
support, anchorage, bracing, etc.)

Block 20 – Automatic Fire Suppression Systems

- Sprinklers
- Chemical
- Deluge
- Water Curtains
- Extinguishers
- Support/Bracing/Anchorage of AFSS

Block 21 – MEP (Structural)

Support/Bracing/Anchorage for:

- MEP
- Equipment
- HVAC System
- Ducts
- Electrical
- Pendant Lights
- Transformers
- Switch Gears
- IDF/MDF/etc.
- Pipes
- Tanks

Block 22 – MEP (FLS)

- MEP Fire Suppression Systems
(smoke and fire dampers)
- Kitchen Hoods
- Laboratory Hoods
- Dust Collection Systems
- Smoke Control Systems



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SECTION 4 – FINISH SITE WORK AND OTHER WORK:

Block 23 – Fine Grading

- Finish Grades
- Grading for Accessible POT System
- Grading for Run-off (drainage)

Block 25 – Parking

- Drop-off
- Accessible parking
- Striping
- Signage
- Truncated Domes

Block 27 – Other Work Structural

Support/Bracing/Anchorage for:

- Theater Systems (stage rigging, catwalks, speaker, lighting, curtains, etc.)
- Non-bearing partitions
- Operable partitions
- Casework
- Stairs
- Elevators
- Weather Protection

Block 29 – Other Work Accessibility

- Building Signage
- Site Signage
- Drinking Fountains
- Accessible POT Systems
- Stairs
- Ramps
- Walks
- Doors
- Gates
- Elevator
- Specialty Areas (restrooms, kitchens, casework, etc.)

Block 24 – Flatwork

Accessible Path of Travel Systems such as:

- Stairs
- Ramps
- Walks
- Gates

Block 26 – Fire Lane

- Fire Lane

Block 28 – Other Work Fire Life Safety

- Egress Components
- Doors
- Gates
- Emergency Lighting
- Building Signage
- Site Signage
- Elevators
- Hazardous Materials



PR 13-02

PROCEDURE: PROJECT CERTIFICATION PROCESS

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Forms](#) or [DSA Publications](#) webpages.

PURPOSE: California Code of Regulations (CCR), Title 24, Part 1, Chapter 4, Article 1 (Sections 4-211 through 4-220) and Group 1, Articles 5 and 6 (Sections 4-331 through 4-344) provide regulations governing the construction process for projects under the jurisdiction of DSA.

This Procedure provides a required, prescribed method for compliance with applicable sections of the above regulations related to certification of construction projects.

BACKGROUND: Constructed projects regulated by DSA are required to be certified as to the safety of design and construction pursuant to Education Code Sections 17280-17316 and 81130-81147.

Ensuring projects are certified is critical because:

- Certification provides a method to report the safety of school construction.
- School board members may be personally liable for projects until certified.
- DSA will be unable to approve new proposed projects associated with uncertified construction (see *DSA IR A-20: New Projects Associated with Existing Uncertified Projects* for in-depth discussion).

DEFINITIONS: The following definitions apply to terms used in this document:

Architect/Engineer – An abbreviated use of the term Design Professional in General Responsible Charge.

Contractor – A company or individual that contracts for or is otherwise responsible for the construction of the project or portions of the project.

DSA Approved Construction Documents – Portions of plans, specifications, addenda, deferred submittals, revisions, and construction change documents (CCDs) duly approved by DSA that contain information related to, and affecting Structural Safety, Fire and Life Safety, and Accessibility. While all portions of the construction documents may contain a DSA identification stamp, the stamp does not imply approval. The DSA approval is indicated by a letter to the district. The letter clarifies that the approval is limited to Structural Safety, Fire and Life Safety, and Accessibility.

The DSA approval letter states: *"Buildings constructed in accordance with approved drawings and specifications will meet minimum required standard given in Title 24, California Code of Regulations, for structural, and fire and life safety...and... certifies that the drawings and specifications are in compliance with State regulations for the reasonable accommodation of the disabled."*

Design Professional in General Responsible Charge – The architect or engineer in general responsible charge of the project, as listed on Line 22 or 24 of form DSA 1.

Other Responsible Design Professionals – Architects or engineers with delegated responsibility for portions of the project as listed on Line 25 or 26 of form DSA 1, such as architects, structural engineers, mechanical engineers, electrical engineers and the geotechnical engineer of record.

Project Inspector – An inspector who is certified by DSA and specifically approved by DSA to provide competent, adequate and continuous construction inspections for the project.

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APPLICABLE DSA FORMS: The following forms are referenced in this document and can be found on the DSA website at www.dgs.ca.gov/dsa/forms.

- **DSA 1** *Application for Approval of Plans and Specifications*
- **DSA 5-PI** *Project/Special Inspector Qualification Record*
- **DSA 6-AE** *Architect/Engineer Verified Report*
- **DSA 6-C** *Contractor Verified Report*
- **DSA 6-PI** *Project Inspector Verified Report*
- **DSA 102-IC** *Construction Start Notice/Inspection Card Request*
- **DSA 103** *Statement of Structural Tests and Special Inspections*
- **DSA 130** *Certificate of Compliance – Approved Bleacher/Grandstand Fabricator*
- **DSA 152** *Project Inspection Card*
- **DSA 154** *Notice of Deviations/Resolution of Deviations*
- **DSA 155** *Project Inspector Semi-Monthly Report*
- **DSA 291** *Laboratory of Record Verified Report*
- **DSA 292** *Special Inspection Verified Report*
- **DSA 293** *Geotechnical Verified Report*
- **DSA 301-N** *Notification of Requirement for Certification (first notice)*
- **DSA 301-P** *Notification of Requirement for Certification (posted)*
- **DSA 302** *Response to DSA 301-P Notification of Requirements for Certification*

1. DSA CONSTRUCTION OVERSIGHT PROCESS OUTLINE:**General**

DSA provides oversight during construction by providing supervision of the Project Inspector, reviewing administrative and technical documents, communicating with involved parties and by making periodic visits to the construction site. The general outline of the process is as follows:

1.1 Approval of the Project Inspector:

- The project inspector must be approved by DSA for each individual project. This requires a form DSA 5-PI to be submitted to DSA.
- The DSA Field Engineer (DSE) approves the project inspector (or disapproves and a new form DSA 5-PI needs to be submitted).
- See DSA procedure *PR 13-01: Construction Oversight Process* for further discussion.

1.2 Notice of Start of Construction/Request for Inspection Cards:

- The Design Professional in Responsible Charge or the district (owner) submits form DSA 102-IC to DSA.
- See PR 13-01 for further discussion.

1.3 DSA Creates Box (Electronic communication/collaboration system):

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- DSAbox.com is a web-based file sharing system used by those involved in the construction process to submit and share required documentation with DSA.
- See DSA PR 13-01 and DSAbox External Library for further discussion.

1.4 DSA issues Inspection Cards (forms DSA 152):

The form DSA 152 is an interim verified report by the project inspector. The project inspector signs off the applicable blocks and sections on the form as the work progresses, verifying:

- Construction is in compliance with the DSA-approved construction documents.
- Required testing and inspections are complete.
- Required documentation has been received by the project inspector.

1.5 Construction Commences:

- As construction proceeds, various documents are submitted to the DSAbox by those involved with the construction process.
- The DSA field engineer (District Structural Engineer) is generally responsible for regulatory oversight of the construction and visits the construction site when appropriate.

1.6 Project Certification Phase is Initiated:

- See Section 2 for in-depth discussion about the process of Project Certification.
- When a project becomes occupied, in use, or otherwise complete, DSA initiates the project certification phase. The project either becomes "certified" or "not certified."
- The Design Professional in General Responsible Charge and the district (owner) are notified of the certification status of the project.
- If the project is certified, DSA creates a certification letter which is uploaded to the DSAbox and sent to the school district (owner) and the Design Professional in General Responsible Charge.
- If the project is not certified, then:
 - DSA completes form DSA 301-N which identifies the reasons certification is being withheld. The form is uploaded to the DSAbox, and sent to the district (owner). If the reasons for withholding certification are not resolved within 60 calendar days, form 301-N is updated by using form 301-P and the form 301-P is then posted on the DSA website using the DSA Certification Box.
 - After DSA posts a form DSA 301-P, the district and its design team can upload the identified required documentation to the DSA Certification Box and/or upload forms DSA 302 with responses to the issues identified in the form DSA 301-P.
 - After the district and its design team has resolved all the issues identified in the form DSA 301-P, a request for DSA to re-examine the file must be made by submitting a completed form DSA 302.
 - A fee may be required to initiate the re-examination process as specified in section 2.9.

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PROJECT CERTIFICATION PROCESS

2. PROJECT CERTIFICATION PHASE:**General:**

Constructed school building projects are required to be certified for compliance with Title 24, California Code of Regulations as to the safety of design and construction. The project certification phase is the culmination of the DSA construction oversight program wherein DSA completes the verification that the constructed project complies with the DSA-approved construction documents.

2.1 Initiation of the Project Certification Phase:

- For the purpose of initiating the project certification phase, the following definitions shall apply:
 - **Occupied or in Use** – Buildings, structures, projects or portions of projects in the state of being entered or used by any persons or for any purposes other than for the purpose of being constructed or furnished.
 - **Ready for Occupancy or Use** – Projects that have all the Structural, Fire and Life Safety, and Accessibility components and systems completed such that the project can be occupied or used.

2.1.1 The project certification phase is initiated by the DSA District Structural Engineer (DSE) when one of the following conditions occurs:

- a) **The project is occupied or in use.** In clarification, the project certification phase will be initiated as follows:
 - For projects consisting of one building or structure: Once that building or structure becomes occupied or in use (even if related structural, fire and life safety, or accessibility portions of the building or associated site work are not complete).
 - For projects consisting of multiple buildings or structures: Once all the buildings or structures become occupied or in use (even if related structural, fire and life safety, or accessibility portions of the building or associated site work are not complete).
 - For projects with only site work (no structures): Once the fire and life safety or accessibility portions of the site work are in use.
- b) **The project is ready for occupancy or use.** In clarification, the project certification phase will be initiated as follows:
 - For projects consisting of one building or structure: Once that building or structure becomes ready to occupy or use and the structural, fire and life safety, and accessibility portions of the associated site work are ready for use.
 - For projects consisting of multiple buildings or structures: Once all the buildings or structures become ready to occupy or use and the structural, fire and life safety, and accessibility portions of the associated site work are ready for use.
 - For projects with only site work (no structures): Once the fire and life safety, and accessibility portions of the site work are ready for use.
- c) **Construction activity has been suspended or abandoned for a period of one year.** If construction activity is suspended or abandoned for a period of one year, the DSA approval of the unconstructed portion of the project may be voided (unless the

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unconstructed portion is required to be in place for the constructed work to be code compliant) and the certification requirements for the constructed portion are reviewed and identified.

2.2 Examination of the DSA Project File for Certification:

DSA staff examines the project file to verify that requirements for project certification have been met. Using the documents found in the DSABox, the project file, ADM, and data entered into eTracker, the DSA staff verifies the following:

- 2.2.1 Final Verified Reports:** Final Verified Reports as listed in section 2.3 are required to have been received, correctly completed, and signed by the correct persons.
- 2.2.2 Construction Documents:** Construction documents and changes to the construction documents which modify or affect the structural, fire and life safety, or accessibility components of the project must have been approved by DSA. These include:
 - Addenda
 - Revisions
 - Deferred Submittals
 - Category A Construction Change Documents (CCD Category A)
- 2.2.3 Construction of Required Scope:** All systems and components as defined in the DSA-approved construction documents which affect structural, fire and life safety, and accessibility must have been constructed.
- 2.2.4 Construction Compliance:** All systems and components of the structural, fire and life safety, and accessibility scope of the work must have been constructed in compliance with the DSA-approved construction documents.
- 2.2.5 Required Fees:** All required fees must have been paid. DSA staff performs a final reconciliation to confirm that all fees required by regulation have been paid to DSA. The final fee reconciliation cannot be completed until:
 - All Construction Documents have been approved.
 - The District completes and submits a form *DSA 168: Statement of Final Actual Project Cost*.
- 2.2.6 Notice of Completion:** A Notice of Completion is required to be received by DSA. For the purposes of certification, the DSA 168 also serves as the notice of completion.

2.3 Documents Required for Certification:

The two sub-sections below provide a comprehensive list of documents required to be submitted to DSA for the purposes of certification. DSA staff reviews these documents to verify they are complete, correct and signed by the appropriate person. Additionally, DSA staff reviews these documents as part of the verifications identified in section 2.2. *Note: for purposes of certification, the final verified reports cover and govern over any missing, incorrect, incomplete or non-conforming interim verified reports as well as interim verified reports reporting non-conforming/non-compliant conditions.*

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2.3.1 The following documents are required to be submitted to DSA for all projects:

- Form DSA 6-AE (Final)
- Form DSA 6-PI (Final)
- Form DSA 6-C (Final)
- Form DSA 168

2.3.2 The following documents are required to be submitted to DSA only for those projects for which they are applicable as defined:

- For projects with material testing required: form DSA 291 (Final).
- For projects with special inspections required *and* the special inspectors are provided by the Laboratory of Record: Form DSA 291 (Final). Section 2 "Combined Verified Report" checkbox is checked and the report is signed by the Engineering Manager of the approved Testing and Inspection Laboratory.
- For projects with special inspections required *and* the special inspectors are employed directly by the school district (not provided by the Laboratory of Record): Form DSA 292 (Final). Each special inspector must sign and submit individual Verified Reports.
- For projects that require geotechnical-related testing or inspections: Form DSA 293 (Final).
- For projects with manufactured bleachers when the overall height is 20 feet or less: Form DSA 130.

2.4 DSA Issues a Notification of the Status of Project Certification:

After DSA staff completes the examination of the file (see Section 2.2) and verifies the required documents are received and correct (see Section 2.3), then a notification of the status of certification is generated and issued. The Notification will be issued 60 days after the date that causes initiation of the project certification phase.

- For projects that can be certified: DSA will generate and issue a "Certification of Compliance" letter. The certification letter is then uploaded to the DSABox and ADM and copies are sent to the following:
 - The school district (owner) "Attention District Superintendent" and "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
- For projects that cannot be certified: DSA will generate and issue a form DSA 301-N. The form is then uploaded to DSABox and a copy is sent to the school district (owner) "Attention Director of Facilities." The District and its design/construction team will then have 60 days to resolve all outstanding issues. After the 60-day period, the file is again examined and actions are taken as described in section 2.5.

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2.5 60 Day Examination of the Certification Status for Non-Certified Projects.

- 2.5.1** After 60 days from the issue date of the form DSA 301-N, DSA staff will again examine the project file as described in section 2.2 to determine if all requirements for certification have been resolved.
- 2.5.2** If the project can be certified, DSA will:
- Issue the "Certification of Compliance" letter, as described in Section 2.4.-+
- 2.5.3** If the project still cannot be certified, then DSA will:
- Generate a form DSA 301-P. This form is simply an update to form DSA 301-N such that the posted issues reflect the actual state of certification after the 60-day notification period.
 - Upload the form DSA 301-P to DSAbbox. Project collaborators will receive automatic notification and be able to view all project documents; however, permissions to upload documents to the project folders will be terminated at this time since subsequent certification actions will take place in DSA Certification Box.
 - Send copies of the form DSA 301-P to the following:
 - The school district (owner) "Attention District Superintendent" and "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
 - Post the form DSA 301-P to the DSA website via DSA Certification Box as described in Section 2.6. This notification is viewable by the public.

2.6 Posting the Form DSA 301-P: Notification of Requirement for Certification to DSA Certification Box

After 60 calendar days have elapsed from the date form DSA 301-N was issued, DSA staff posts form DSA 301-P to DSA Certification Box. This posted notice is viewable by the public.

When a project becomes certified, the form DSA 301-P is removed from the DSA website posting.

2.7 Re-examination for Non-Certified Projects with Form DSA 301-P Posted to DSA Certification Box

Once a DSA 301-P has been posted in DSA Certification Box, project stakeholders will no longer be able to upload documents to their folders in the original project DSAbbox. Instead, documents required for certification need to be uploaded by the district/design/construction team to the DSA Certification Box.

- 2.7.1** Responding to issues identified in form DSA 301-P occurs as follows:
- The School District (Owner) or the Design Professional in General Responsible Charge must request permission to upload documents to the DSA Certification Box project folder by completing and submitting an [Access Request](#) through the DSA website. An electronic invitation containing instructions to set up an account will be sent via email.
 - Project documentation may be uploaded to DSA Certification Box by the

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district/design/construction team as records become available; however, each upload should include a completed form DSA 302.

- Responses to any of the issues listed on the form DSA 301-P may be made anytime by the district/design/construction team by using form DSA 302 and uploading it to the DSA Certification Box.

2.7.2 Requesting DSA to re-examine the project for certification requires the following actions:

- Form DSA 302 must be completed, including checking "This is a Request for Re-examination."
 - The form must then be uploaded to the DSA Certification Box.
 - A copy of the form must be sent electronically (email) to the appropriate DSA regional office as follows:
 - Region 01 DSACertificationOakland@dgs.ca.gov
 - Region 02 DSACertificationSacramento@dgs.ca.gov
 - Region 03 DSACertificationLosAngeles@dgs.ca.gov
 - Region 04 DSACertificationSanDiego@dgs.ca.gov
 - If a re-examination fee is required (see section 2.8), then the fee along with a copy of the form must be mailed or delivered to the appropriate DSA Regional Office. (For clarification, in this instance a completed form DSA 302 is now in the DSA Certification Box, has been emailed and a hard copy is now being sent to the regional office along with the re-examination fee.)
- Comprehensive complete DSA 302 request packages addressing every item listed on the DSA 301-P form are highly recommended; however, DSA will process partial requests (unless they are transmitted without a DSA 302 form). The re-examination fee, if required, will apply to submittals regardless of their completeness.
- If the re-examination of the file results in certification, then DSA will issue a Certification Letter to the School District and the DSA 301-P notice will be removed from the DSA website.
- If the re-examination of the file does not result in certification of the project, then DSA will issue an updated DSA 301-P and post it in the DSA Certification Box.
- Subsequent transmittal of documents and responses to unresolved items listed on the DSA 301-P Revised Notification repeats the same process outlined above and will require payment of a re-examination fee.

2.8 Re-Examination Fees

2.8.1 No fee is required for the first request for the project to be re-examined for certification if it is received within 12 months from the date of the DSA 301-N Notification (or 90-day letter for a transition project).

2.8.2 Any subsequent re-examination requests, or any first re-examination requests received 12 months after the date of the DSA 301-N Notification (or 90-day letter for a transition project), must include a re-examination fee based on the following construction cost schedule:

- Projects with construction cost less than \$5 million:
 - **\$500 re-examination fee**

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- Projects with construction cost between \$5 million and \$50 million:
 - **\$750 re-examination fee**
- Projects with construction cost greater than \$50 million:
 - **\$1000 re-examination fee**

2.9 Rescinding DSA 301 Notification

DSA 301-N or DSA 301-P Notifications may be rescinded at the discretion of DSA when the district makes a request and documents both of the following conditions:

- Construction is not complete and the contractor is still mobilized at the site.
- No portions of the project are occupied or otherwise in use.

2.10 New projects associated with uncertified projects:

See DSA IR A-20 for discussion of new projects that are associated with uncertified projects.

3. TRANSITION:

Projects that have already entered the certification phase or that were constructed prior to the implementation of DSAbbox/Inspection card system use the following processes:

3.1 Projects with no DSAbbox accounts and no 90-day letter issued

- Form DSA 301-N will be created and sent to the following:
 - The school district (owner) "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
- Required documents may be mailed or delivered to Regional Office.
- After 60 days, DSA staff will review and either create a Certification Letter or a DSA 301-P.
- The certification letter or DSA 301-P will be sent to the following:
 - The school district (owner) "Attention District Superintendent" and "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
- DSA 301-P forms will be posted on the DSA website in the DSA Certification Box.
- Certification letters will be uploaded to ADM.

3.2 Projects that have 90-day letters issued

- After the 90-day period has passed, DSA staff will review and either create a Certification Letter or DSA 301-P.
- The certification letter or DSA 301-P will be sent to the following:
 - The school district (owner) "Attention District Superintendent" and "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
- DSA 301-P forms will be posted on the DSA website in the DSA Certification Box.
- Certification letters will be uploaded to ADM.

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3.3 Requests for Re-Examination of "Closed" Uncertified Projects (not applicable to projects that have been issued a form 301-P)

- DSA staff will re-examine the project for certification. If the re-examination of the file does not result in certification of the project, then DSA will complete a form DSA 301-P listing the outstanding requirements.
- The certification letter or DSA 301-P will be sent to the following:
 - The school district (owner) "Attention District Superintendent" and "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
- DSA 301-P forms will be posted on the DSA website in the DSA Certification Box.
- Certification letters will be uploaded to ADM.

3.4 Re-examination initiated by DSA (Legacy Projects) (not applicable to projects that have been issued a form 301-P)

- DSA staff will continue to use Alternate Process (AP) letter templates to create letters communicating outstanding requirements for certification. These will continue to be mailed to School Districts.
- If no response has been received to the AP letter after 60 days, the AP letter will be posted on the DSA website in the DSA Certification Box.
- If a response is received, DSA staff will review and either create a Certification Letter or update the AP letter listing the outstanding requirements.
- The certification letter or legacy AP letter will be sent to the following:
 - The school district (owner) "Attention District Superintendent" and "Attention Director of Facilities."
 - The Design Professional in General Responsible Charge.
- Legacy AP letters will be posted on the DSA website in the DSA Certification Box.
- Certification letters will be uploaded to ADM.

3.5 Pre-Tracker Projects

- All pre-tracker projects will be treated as "Legacy Projects" and follow that process.

A DSA Procedure documents a process or series of steps that DSA staff and/or external stakeholders must complete in order to fulfill one or more administrative requirements of DSA's review and approval of plans and specifications and construction oversight programs.

APPENDIX F

Examples of the financial reports available on the CFS system



Encumbrance Report - Vendor Summary



Received by the BHUSD Board of Education
September 26, 2023

Filter Settings

Start Date: 2022-07-01 End Date: 2023-06-30	Date
Fund: Fund 21.2-00000 (Measure E), Fund 21.3 Measure BH Subfund Status: Both Subfund:	Funding
Campus: Project Type: Project Group: Project Status: Both Project:	Project
Expenditure Type: Object Code:	SAC
Vendor: Purchase Order: Contract:	Vendor
Expense: Both Organized By: Project Description Source: Transaction Description	MISC



Encumbrance Report - Vendor Summary



Project: 1020000-91200 - El Rodeo - ER Modernization					Description
Vendor	Encumbrance	Expenditure	Balance		
ARC Document Solutions	\$5,000.00	\$0.00	\$5,000.00	Printing Costs	
Aneta Zebala	\$75,400.00	(\$1,710.00)	\$73,690.00	Painting Conservation	
AngelView, LLC	\$30,204.00	(\$23,076.00)	\$7,128.00	Documentation Services	
City Of Beverly Hills	\$20,000.00	(\$10,000.00)	\$10,000.00	Permits & Fees	
Crisp Imaging	\$15,000.00	(\$10,683.24)	\$4,316.76	Printing Costs	
Darren P. Doerschel	\$97,123.00	(\$2,625.00)	\$94,498.00	Technology Costs	
Department of Toxic Substance	\$25,807.73	(\$5,822.19)	\$19,985.54	Environmental Costs	
Environmental Audit Inc.	\$56,355.63	(\$20,599.55)	\$35,756.08	Environmental Costs	
Fonder-Salari, Inc	\$500,000.00	(\$237,678.35)	\$262,321.65	Construction Management	
Glumac	\$59,859.95	(\$5,582.13)	\$54,277.82	Engineering/Consultant	
HMC Architects	\$3,472,448.71	(\$1,032,307.09)	\$2,440,141.62	Architect Fees	
King Relocation Services	\$32,891.72	(\$19,548.00)	\$13,343.72	Storage Costs	
Leighton Consulting, Inc.	\$108,051.35	(\$26,312.35)	\$81,739.00	Consultant Costs	
Lockton Companies	\$431,824.74	(\$75,856.00)	\$355,968.74	Insurance	
Mover Services, Inc.	\$13,473.60	\$0.00	\$13,473.60	Relocation Services	
Prowest Constructors	\$33,000,000.00	(\$31,429,367.64)	\$1,570,632.36	Construction Costs	
SWRCB Accounting Office	\$652.00	(\$652.00)	\$0.00	Utility Costs	
Southern California Gas Company	\$12,754.29	(\$12,754.29)	\$0.00	Utilities	
Team Concept Development Services Inc.	\$82,140.00	(\$82,140.00)	\$0.00	Project Planning & Support	
Twining, Inc.	\$298,623.98	(\$254,235.04)	\$44,388.94	GeoTechnical	
Verizon Business	\$1,486.08	(\$190.05)	\$1,296.03	Telecommunications	
Williams Scotsman Inc.	\$295,358.82	(\$83,516.43)	\$211,842.39	Rentals & Leases	
Project Total:	\$38,634,455.60	(\$33,334,655.35)	\$5,299,800.25	1020000-91200 - El Rodeo - ER Modernization	
Project: 1040000-91400 - Horace Mann - Modernization (Building A)					Description
Vendor	Encumbrance	Expenditure	Balance		
ARC Document Solutions	\$4,000.00	\$0.00	\$4,000.00	Printing Costs	
SMR-ISD Consulting Structural Engineers	\$7,500.00	(\$7,500.00)	\$0.00	Structural Engineers	
Project Total:	\$11,500.00	(\$7,500.00)	\$4,000.00	1040000-91400 - Horace Mann - Modernization (Building A)	
Project: 2510000-91100 - Beverly Vista - Modernization					Description
Vendor	Encumbrance	Expenditure	Balance		
ARC Document Solutions	\$4,000.00	(\$40.89)	\$3,959.11	Printing Costs	



Encumbrance Report - Vendor Summary



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Project: 2510000-91100 - Beverly Vista - Modernization					
Vendor	Encumbrance	Expenditure	Balance	Description	
Architects Mc Donald, Soutar & Paz	\$26,000.00	(\$16,800.00)	\$9,200.00	Architect Fees	
Project Total:	\$30,000.00	(\$16,840.89)	\$13,159.11	2510000-91100 - Beverly Vista - Modernization	
Project: 3050000-91600 - Beverly Hills HS - Mod. (Planning All Buildings)					
Vendor	Encumbrance	Expenditure	Balance	Description	
ARC Document Solutions	\$10,000.00	(\$112.18)	\$9,887.82	Printing Costs	
Beverly Hills Weekly	\$2,500.00	(\$400.00)	\$2,100.00	Advertising	
DLR Group, Inc	\$3,775.00	\$0.00	\$3,775.00	Architect Fees	
Department of Toxic Substance	\$122,746.46	(\$77,608.48)	\$45,137.98	Environmental Costs	
Environmental Audit Inc.	\$53,571.21	(\$952.00)	\$52,619.21	Environmental Costs	
Garza Construction Inc.	\$15,019.56	(\$8,400.00)	\$6,619.56	Other Construction - Electrical	
Hellas Construction	\$1,350.00	(\$1,350.00)	\$0.00	Construction Costs	
TD Sports	\$1,850.00	(\$1,850.00)	\$0.00	Sports Construction & Flooring Specialists	
Williams Scotsman Inc.	\$692,242.94	(\$13,181.12)	\$679,061.82	Rentals & Leases	
Project Total:	\$903,055.17	(\$103,853.78)	\$799,201.39	3050000-91600 - Beverly Hills HS - Mod. (Planning All Buildings)	
Project: 3050000-91603 - Beverly Hills HS - Modernization (Bldgs. B1 & B2)					
Vendor	Encumbrance	Expenditure	Balance	Description	
DLR Group, Inc	\$0.00	\$0.00	\$0.00	Architect Fees	
King Relocation Services	\$14,467.50	(\$14,467.00)	\$0.50	Storage Costs	
Leighton Consulting, Inc.	\$4,280.21	\$0.00	\$4,280.21	Consultant Costs	
Tangram	\$66,282.08	(\$49,131.44)	\$17,150.64	Furniture Costs	
Team Concept Development Services Inc	\$0.00	\$0.00	\$0.00	Project Planning & Support	
U.S. Bank	\$562.52	(\$562.52)	\$0.00	Trustee Costs	
Project Total:	\$85,592.31	(\$64,160.96)	\$21,431.35	3050000-91603 - Beverly Hills HS - Modernization (Bldgs. B1 & B2)	
Project: 3050000-91604 - Beverly Hills HS - Modernization (Bldgs. B3 & B4)					
Vendor	Encumbrance	Expenditure	Balance	Description	
Aneta Zebala	\$57,660.00	(\$2,100.00)	\$55,560.00	Painting Conservation	
AngelView, LLC	\$19,939.00	(\$17,595.00)	\$2,344.00	Documentation Services	
Crisp Imaging	\$20,000.00	(\$12,236.31)	\$7,763.69	Printing Costs	
DLR Group, Inc	\$2,031,950.14	(\$759,557.21)	\$1,272,392.93	Architect Fees	
Darren P. Doerschel	\$45,792.25	(\$10,645.25)	\$35,147.00	Technology Costs	



Encumbrance Report - Vendor Summary



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Project: 3050000-91604 - Beverly Hills HS - Modernization (Bldgs. B3 & B4)				
Vendor	Encumbrance	Expenditure	Balance	Description
Fonder-Salari, Inc	\$600,000.00	(\$271,204.00)	\$328,796.00	Construction Management
Glumac	\$45,276.95	(\$6,277.05)	\$38,949.90	Engineering/Consultant
Image IV Systems, Inc.	\$884.07	(\$704.07)	\$180.00	Rentals, Leases & Repairs
Kinetic Lighting, Inc.	\$1,883.40	(\$1,883.40)	\$0.00	Lighting Contractor
Leighton Consulting, Inc.	\$222,661.61	(\$92,597.68)	\$130,063.93	Consultant Costs
Lockton Companies	\$178,003.49	(\$113,784.00)	\$64,219.49	Insurance
Prowest Constructors	\$27,000,000.00	(\$16,953,155.98)	\$10,046,844.02	Construction Costs
RMA Group	\$400,290.61	(\$383,877.87)	\$16,412.74	Testing Costs
SWRCB Accounting Office	\$548.00	(\$548.00)	\$0.00	Utility Costs
Sterling Venue Ventures	\$70,400.00	(\$70,400.00)	\$0.00	Rental, Leases, Repairs
Team Concept Development Services Inc.	\$100,640.00	(\$55,736.17)	\$44,903.83	Project Planning & Support
U.S. Bank	\$160.13	(\$160.13)	\$0.00	Trustee Costs
Project Total:	\$30,796,039.65	(\$18,752,462.12)	\$12,043,577.53	3050000-91604 - Beverly Hills HS - Modernization (Bldgs. B3 & B4)
Project: 3050000-91608 - Beverly Hills HS - Building C				
Vendor	Encumbrance	Expenditure	Balance	Description
DLR Group, Inc	\$220,127.00	(\$41,669.02)	\$178,457.98	Architect Fees
Fonder-Salari, Inc	\$300,000.00	(\$43,250.00)	\$256,750.00	Construction Management
Project Total:	\$520,127.00	(\$84,919.02)	\$435,207.98	3050000-91608 - Beverly Hills HS - Building C
Project: 3050000-91609 - Beverly Hills HS - South Site				
Vendor	Encumbrance	Expenditure	Balance	Description
California Geological Survey	\$4,800.00	(\$4,800.00)	\$0.00	Geotechnical Costs
DLR Group, Inc	\$5,247,441.25	(\$771,376.94)	\$4,476,064.31	Architect Fees
Division of State Architect	\$272,900.00	(\$272,900.00)	\$0.00	Plan Check Fees
Environmental Audit Inc.	\$647,907.44	(\$489,591.30)	\$158,316.14	Environmental Costs
Fonder-Salari, Inc	\$380,000.00	(\$32,890.60)	\$347,109.40	Construction Management
Leighton Consulting, Inc.	\$5,151.74	\$0.00	\$5,151.74	Consultant Costs
Prowest Constructors	\$9,590,822.50	(\$4,894,497.27)	\$4,696,325.23	Construction Costs
SWRCB Accounting Office	\$0.00	\$0.00	\$0.00	Utility Costs
Team Concept Development Services Inc.	\$10,000.00	(\$9,814.47)	\$185.53	Project Planning & Support
Project Total:	\$16,159,022.93	(\$6,475,870.58)	\$9,683,152.35	3050000-91609 - Beverly Hills HS - South Site



Encumbrance Report - Vendor Summary



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Project: 3050000-91610 - Beverly Hills HS - Seismic				Description	
Vendor	Encumbrance	Expenditure	Balance		
DLR Group, Inc	\$313,839.15	(\$303.75)	\$313,535.40	Architect Fees	
Project Total:	\$313,839.15	(\$303.75)	\$313,535.40	3050000-91610 - Beverly Hills HS - Seismic	
Project: 3050000-91617 - Beverly Hills HS - IDENTIFY				Description	
Vendor	Encumbrance	Expenditure	Balance		
SWRCB Accounting Office	\$652.00	(\$652.00)	\$0.00	Utility Costs	
Project Total:	\$652.00	(\$652.00)	\$0.00	3050000-91617 - Beverly Hills HS - IDENTIFY	
Project: 3050000-91700 - Venoco Oil Wells				Description	
Vendor	Encumbrance	Expenditure	Balance		
Environmental Audit Inc.	\$0.00	\$0.00	\$0.00	Environmental Costs	
Project Total:	\$0.00	\$0.00	\$0.00	3050000-91700 - Venoco Oil Wells	
Project: 3050000-91701 - Beverly Hills HS - Legacy Wells				Description	
Vendor	Encumbrance	Expenditure	Balance		
WZI Inc.	\$499,845.00	(\$53,500.74)	\$446,344.26	Consulting Costs	
Project Total:	\$499,845.00	(\$53,500.74)	\$446,344.26	3050000-91701 - Beverly Hills HS - Legacy Wells	
Project: 3050000-91702 - Beverly Hills HS - MTA Oil Well Abandonment				Description	
Vendor	Encumbrance	Expenditure	Balance		
ARB, Inc.	\$0.00	\$0.00	\$0.00	Consulting Costs	
Edgar Garza Construction	\$0.00	\$0.00	\$0.00	Construction Costs	
Pods Enterprises LLC	\$6,264.13	(\$5,212.40)	\$1,051.73	Rentals, Leases & Repairs	
WZI Inc.	\$0.00	\$0.00	\$0.00	Consulting Costs	
Williams Scotsman Inc.	\$28,431.10	(\$12,203.76)	\$16,227.34	Rentals & Leases	
Project Total:	\$34,695.23	(\$17,416.16)	\$17,279.07	3050000-91702 - Beverly Hills HS - MTA Oil Well Abandonment	
Project: 3050000-91703 - Beverly Hills HS - Venoco Water Leak Cleanup				Description	
Vendor	Encumbrance	Expenditure	Balance		
ARB, Inc.	\$4,194,896.54	(\$1,008,867.00)	\$3,186,029.54	Consulting Costs	
Brand Scaffold Services Inc	\$27,082.00	(\$11,826.00)	\$15,256.00	Construction Equipment Rentals	
DLR Group, Inc	\$0.00	\$0.00	\$0.00	Architect Fees	
Fonder-Salari, Inc	\$380,000.00	(\$1,854.25)	\$378,145.75	Construction Management	
M.B. Herzog Electric, Inc.	\$2,004.00	(\$2,004.00)	\$0.00	Electrical Contractor	



Encumbrance Report - Vendor Summary



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Project: 3050000-91703 - Beverly Hills HS - Venoco Water Leak Cleanup					Description	
Vendor	Encumbrance	Expenditure	Balance			
Trench Shoring Company	\$5,161.22	(\$3,455.00)	\$1,706.22		Shoring Equipment, Trench/Road Plates	
Project Total:	\$4,609,143.76	(\$1,028,006.25)	\$3,581,137.51		3050000-91703 - Beverly Hills HS - Venoco Water Leak Cleanup	
Project: 5110000-91040 - One-to-One - Technology						
Vendor	Encumbrance	Expenditure	Balance			
Amazon Capital Services	(\$604.95)	\$604.95	\$0.00		Furniture & Equipment	
Apple Computer	\$21,854.74	(\$21,854.74)	\$0.00		Technology Costs	
Arey Jones Educational Solutions	\$1,123,666.04	(\$242,519.55)	\$881,146.49		Technology Equipment	
B & H Photo Video	(\$694.93)	\$694.93	\$0.00		Photography Supplies	
CDW Government Inc.	\$561,878.70	(\$172,418.62)	\$389,460.08		Technology Costs	
Charter Communications	\$49,368.39	\$0.00	\$49,368.39		IDENTIFY	
ConvergeOne, Inc	\$12,859.80	(\$12,859.80)	\$0.00		IT Service	
Darren P. Doerschel	\$26,600.00	(\$23,450.00)	\$3,150.00		Technology Costs	
Dell Marketing L.P.	\$13,140.69	(\$13,140.69)	\$0.00		Technology Costs	
Department of Toxic Substance	\$26.19	(\$26.19)	\$0.00		Environmental Costs	
Vector Resources, Inc.	\$97,444.62	\$0.00	\$97,444.62		Technology Costs	
Project Total:	\$1,905,539.29	(\$484,969.71)	\$1,420,569.58		5110000-91040 - One-to-One - Technology	
Project: 5810000-00000 - Facilities & Planning						
Vendor	Encumbrance	Expenditure	Balance			
B.H.U.S.D.	\$41,484.17	(\$41,484.17)	\$0.00		District Project Support	
Project Total:	\$41,484.17	(\$41,484.17)	\$0.00		5810000-00000 - Facilities & Planning	
Project: 5810000-91000 - Facilities & Planning						
Vendor	Encumbrance	Expenditure	Balance			
ARC Document Solutions	\$1,000.00	(\$53.00)	\$947.00		Printing Costs	
Amazon Capital Services	\$4,993.44	(\$818.41)	\$4,175.03		Furniture & Equipment	
B.H.U.S.D.	\$296,502.16	(\$296,502.16)	\$0.00		District Project Support	
Beverly Hills Weekly	\$2,500.00	(\$2,000.00)	\$500.00		Advertising	
California Financial Services	\$130,000.00	(\$97,500.00)	\$32,500.00		Project Planning Support	
Christy White Accountancy Corporation	\$17,978.86	(\$16,927.78)	\$1,051.08		Audit Services	
Crisp Imaging	\$10,000.00	(\$113.52)	\$9,886.48		Printing Costs	
Dell Marketing L.P.	\$1,535.58	(\$1,535.58)	\$0.00		Technology Costs	



Encumbrance Report - Vendor Summary



BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED



Received by the BHUSD Board of Education
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Project: 5810000-91000 - Facilities & Planning				
Vendor	Encumbrance	Expenditure	Balance	Description
Fedex	\$2,500.00	(\$194.29)	\$2,305.71	Mailing Costs
Fonder-Salari, Inc	\$1,211,449.25	(\$904,958.09)	\$306,491.16	Construction Management
K 12 School Facilities	\$46,880.60	(\$9,835.00)	\$37,045.60	Contracted Services
M&M Paper Co.	\$3,000.00	\$0.00	\$3,000.00	Office Supplies
Mobile Mini, LLC	\$1,700.00	(\$1,007.49)	\$692.51	Relocatable Buildings
Moss Adams LLP	\$161,250.00	(\$144,105.00)	\$17,145.00	Bond Audit Services
ODP Business Solutions, LLC	\$9,875.30	(\$552.24)	\$9,323.06	Office Supplies
Pierce Kavcioglu Espinosa & Cesar LLP	\$50,000.00	\$0.00	\$50,000.00	Construction Litigation
Procore Technologies	\$120,000.00	(\$120,000.00)	\$0.00	Technology Costs
Ricoh USA INC	\$4,810.00	(\$1,871.88)	\$2,938.12	Copier Rental
Rodeo Graphics	\$56.94	(\$56.94)	\$0.00	Printing Costs
Sandy Pringle Associates	\$562,000.00	(\$522,481.04)	\$39,518.96	Inspection Costs
Tao Rossini APC	\$6,871.25	(\$6,871.25)	\$0.00	Legal
Team Concept Development Services Inc.	\$30,200.00	(\$23,705.00)	\$6,495.00	Project Planning & Support
U.S. Bank	\$70.00	(\$70.00)	\$0.00	Trustee Costs
Uline	\$10,000.00	\$0.00	\$10,000.00	Shipping Costs
Will Karrat	\$2,428.15	(\$2,428.15)	\$0.00	Project Planning & Support
Project Total:	\$2,687,601.53	(\$2,153,586.82)	\$534,014.71	5810000-91000 - Facilities & Planning
Project: 5810000-91702 - MTA Oil Well Abandonment				
Vendor	Encumbrance	Expenditure	Balance	Description
Williams Scotsman Inc.	\$10,945.59	(\$2,026.86)	\$8,918.73	Rentals & Leases
Project Total:	\$10,945.59	(\$2,026.86)	\$8,918.73	5810000-91702 - MTA Oil Well Abandonment
Project: 9900000-91008 - District-Wide Security				
Vendor	Encumbrance	Expenditure	Balance	Description
Team Concept Development Services Inc.	\$0.00	\$0.00	\$0.00	Project Planning & Support
Project Total:	\$0.00	\$0.00	\$0.00	9900000-91008 - District-Wide Security
Grand Total:	\$97,243,538.38	(\$62,622,209.16)	\$34,621,329.22	Beverly Hills Unified School District

APPENDIX G

Consolidated Procurement Activity Report - Formal and Informal Bids

Consolidated Procurement Activity Report - Professional Services

Project and Fraud Avoidance Checklist for Professional Services

Project and Fraud Avoidance Checklist for Construction Projects

Fraud Awareness Training: Detection and Prevention

Consolidated Procurement Activity Report

[illegible]

Professional Services Procurement and Fraud Detection Checklist
under \$175,000

Project Name: _____

Date: _____

- 1 Create Electronic Temp File on F: Drive
- 2 Establish Provider Search Criteria
- 3 Prepare Sample Agreement
- 4 Establish Timeframe to Submit Proposal
- 5 Request Proposal
- 6 Create List of Providers Contacted/Responded
(use call and email logs)
- 7 Obtain at least 2-3 Prices (document process)
- 8 Create Initial Entry in Consolidated Activity Report
- 9 Track and Document Rationale for Selection Process
- 10 Update Consolidated Activity Report
- 11 Obtain Superintendent's Signature
- 12 Process NTP
- 13 Prepare Board Item for Ratification

<input checked="" type="checkbox"/>	Notes	Initial

Form Updated By & Date

Professional Services Procurement and Fraud Detection Checklist
over \$175,000

Project Name: _____

Date: _____

- 1 Create Electronic Temp File on F: Drive
- 2 Establish Provider Search Criteria
- 3 Establish Timeframe to Receive Responses
- 4 Prepare Sample Agreement
- 5 Prepare RFQ; Follow Procedures in Manual
- 6 Create List of Providers Contacted/Responded
(use call and email logs)
- 7 Create Initial Entry in Consolidated Activity Report
- 8 Track and Document Selection Process
- 9 Update Consolidated Activity Report
- 10 Prepare Board Agenda Item
- 11 Process NTP after Board Approval

<input checked="" type="checkbox"/>	Notes	Initial

Form Updated By & Date

Bid Project Procurement & Fraud Detection Checklist

Project Name: _____

Date: _____

	<input checked="" type="checkbox"/>	Notes	Initial
1		Create Electronics Temporary Project File	
2		Assign Internal Project Number	
3		Create Hardcopy Bid File	
4		Create Line Item in Consolidated Activity Report	
5		Establish Clear Scope of Work	
6		Develop Estimate with Description	
7		ID Method of Procurement with Rational	
8		Determine Timeframe to Receive Bid	
9		Determine if BOE NOI to Bid Required	
10		Determine Need for Job Walk	
11		Determine Need for Job Walk	
12		ID List of Required Docs	
13		Prepare Agreement	
14		Establish Timeframe to Submit Bid	
15		Update Project in Consolidated Activity Report	
16		Confirm Compliance w BHUSD P&Ps	
17		Prepare Bid Docs	
18		Contact Purchasing RE:	
19		Obtain Bid Number	
20		Provide Bid Docs for Ad Placements	
21		Provide Bid Addenda Updates	
22		Reserve Bid Opening	
23		Upload Bid Info to BHUSD Website	
24		Notify Plan Rooms	
25		Notify Contractors (group email)	
26		Call and Email Log Utilized Rigorously	
27		Obtain at least 2-3 Prices (document process)	
28		Attend Bid Opening	
29		Confirm Receipt of Complete Bid Docs	
30		Confirm Contractor License	
31		Cross-check Bid with Estimate	
32		Address Any Holes in Bid vs Estimate & Track	
33		Process BOE BAI to Award	
34		Create Hardcopy Project File	
35		Start File with Bid and Bid Result Sheet	
36		Distribute NOI, Agreement, Request Ins/Bonds	
37		Obtain Superintendent's Signature	
38		Process NTP	

Fraud Awareness Training: Detection and Prevention



1



Agenda

- ☐ What is Fraud?
 - ☐ Who Commits Fraud?
 - ☐ Why?
 - ☐ Common Types of Fraud
- ☐ Fraud Detection
 - ☐ Red Flags
 - ☐ Example Cases
- ☐ Fraud Prevention
 - ☐ What can you do?
- ☐ How to report suspected fraud?



2



Fraud Overview

What is Fraud?

Fraud has these elements:

- ☐ Misrepresentation
- ☐ of a material fact
- ☐ with the **intent** to deceive



Who Commits Fraud?

People do!

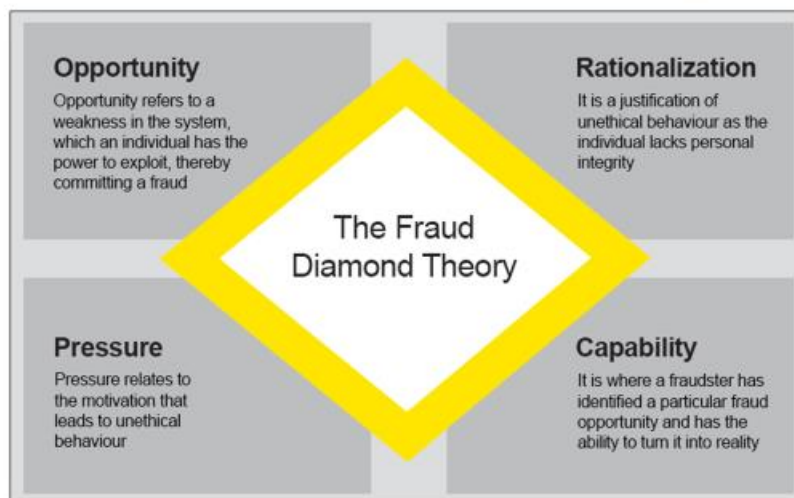
- ☐ Employees or management
- ☐ Contractor personnel or government employees
- ☐ Military or civilian



Companies can also be held responsible for actions of their employees

(Source: United States Air Force, "Fraud Awareness Training for COR-QAE Training Module" October 2008)

Why Do People Commit Fraud: Fraud Diamond Theory



Fraud Detection

Fraud Detection: Common Types of Fraud

- ☐ False claims / false statements
- ☐ Mischarging: overcharging, defective pricing
- ☐ Product substitution / Counterfeit parts
- ☐ Kickbacks, bribery, gratuities, conflict of interest
- ☐ Theft of government property
- ☐ Embezzlement
- ☐ Computer crimes
- ☐ Collusive bidding/bid rigging/price fixing/antitrust



Fraud Detection: Types of Investigations

- ☐ Criminal – Potential violations of Federal law punishable by imprisonment, fines, restitution or probation.
- ☐ Civil – Civil matters may be addressed during a criminal investigation or as the sole focus of an investigative proceeding and are generally punishable by fines. Double and treble damages may apply in False Claims cases.
- ☐ Administrative – The act committed or the alleged infraction involves violations of Federal rules or regulations. Can apply to individual and/or organizations and leads to corrective actions, systematic changes, employee removal and/or suspension, monetary recoveries.

Fraud Detection: Red Flags

- ☐ Frequent sole source contracts / non-competitive awards
- ☐ Unusually high indirect charges
- ☐ Double / inflated charges – frequently have to be contested
- ☐ Frequently disallowed costs
- ☐ Lack of supporting documentation
- ☐ Supporting documents for invoices look “created”

Fraud Detection: Red Flags (cont.)

- ☐ Contractor has poor management officials
- ☐ Restriction of records / original records not available
- ☐ Charging maximum allowable price on invoices
- ☐ Poor internal controls
- ☐ Project milestones / deliverables are constantly delayed

11



Fraud Prevention

12



Fraud Prevention: What Can You Do To Combat Fraud?

- ☐ Watch for “red flags” when performing duties
- ☐ Be a skeptic (low estimates, quick turnaround, sole source, etc.)
- ☐ Be accessible to hear complaints from project managers, technical reps, contractors, and subcontractors
- ☐ Have the reporting information available to all staff
- ☐ When in doubt, ask your supervisor

13



Fraud Prevention: What Can You Do To Combat Fraud? (*cont'd*)

- ☐ Ensure all purchases are legal, proper, reasonable and satisfy a bona fide need
- ☐ Maintain all purchase card records and documentation
- ☐ Approving Officials, perform their duties diligently and judiciously
- ☐ Maintain separation of purchase card holder, hand receipt holder, and approving official
- ☐ Have a copy of the contract and all modifications readily available

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Fraud Prevention: What Can You Do To Combat Fraud? For Contracting Personnel

- ☐ Become familiar and remain current on terms, conditions and requirements of the contract
- ☐ Verify the reasonableness of the contractor's invoiced costs under a cost reimbursement type contract
- ☐ Use performance language in the statement of work expressing only the government's actual minimal needs
- ☐ Ensure that any required reports from you or the contractor are complete, accurate, and timely

15



Fraud Prevention: What Can You Do To Combat Fraud? For Contracting Personnel (*cont'd*)

- ☐ Monitor the work performance by the contractor in accordance with the surveillance plan
- ☐ Inform the contractor immediately regarding unsatisfactory performance; differences of opinion should be referred to the superintendent office for resolution
- ☐ Correct unsatisfactory work
- ☐ Report immediately, don't wait until your next scheduled report

16



Ways to Report Fraud in California and Los Angeles County?

- In case of dealing with a fraud situation
 - This may include issues related to contract fraud and other financial crimes.



FBI Fraud Hotline:

(202) 324-3000

General Fraud and Other Criminal Matters

Contact the FBI at (202) 324-3000,

or online at www.fbi.gov, tips.fbi.gov, losangeles.fbi.gov



California Attorney General:

(916) 322-3360 or (800) 952-5225

Fraud or Scam Complaints in California

Contact at (800) 952-5225

or online at <http://oag.ca.gov>



APPENDIX H

Resolution No. 2015-16-13 Adopting CUPCAA

Resolution No. 2015-16-14 Adopting Informal Bidding Procedures

Welcome letter from State Controller

Notification letter increasing CUPCAA limits (effective January 1, 2023)

Resolution No. 2015-16-13 Adopting CUPCAA**BEVERLY HILLS UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2015-2016-013****RESOLUTION ADOPTING UNIFORM PUBLIC CONSTRUCTION
COST ACCOUNTING PROCEDURES**

WHEREAS, Public Contract Code section 22000 et seq. sets forth the Uniform Public Construction Cost Accounting Act (the “Act”);

WHEREAS, the Act provides for the implementation of uniform construction cost accounting procedures and informal bidding procedures for all public agencies electing to participate, together with instructions for their adoption and implementation by such public agencies;

WHEREAS, pursuant to Public Contract Code sections 22010 and 22017, the California Uniform Construction Cost Accounting Commission (the “Commission”) developed and recommended to the State Controller uniform construction cost accounting and informal bidding procedures (the “Uniform Procedures”) consistent with Public Contract Code sections 22031 through 22045 for consideration;

WHEREAS, pursuant to Public Contract Code section 22019, the State Controller adopted the Uniform Procedures;

WHEREAS, the Act only applies to a public agency whose governing board has by resolution elected to become subject to the Uniform Procedures and has notified the State Controller of that election;

WHEREAS, California public agencies such as school districts and county offices of education are eligible to adopt the Uniform Procedures pursuant to the Act;

WHEREAS, the Governing Board of the Beverly Hills Unified School District (“District”) has determined that it is in the best interests of the District to elect to become subject to the Uniform Procedures;

NOW, THEREFORE, the Governing Board of the Beverly Hills Unified School District hereby resolves as follows:

1. That the above recitals are all true and correct.
2. That maintenance contracts as defined in Public Contract Code section 20115 shall not be subject to the Act and the Uniform Procedures.
3. That the Board of Education hereby elects pursuant to Public Contract Code section 22030 to become subject to the Uniform Procedures set forth in the Act and to the Commission’s policies and procedures manual and cost accounting review

procedures, as they may each from time to time be amended, and directs District staff to notify the State Controller of this election.

4. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 26 day of January, by the members of the Governing Board of the Beverly Hills Unified School District.

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

I, Steve Kessler, Secretary of the Beverly Hills Unified School District Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.


Secretary

Resolution No. 2015-16-14 Adopting Informal Bidding Procedures**BEVERLY HILLS UNIFIED SCHOOL DISTRICT
RESOLUTION NO. 2015-2016-014****RESOLUTION ADOPTING INFORMAL BIDDING PROCEDURES PURSUANT TO
THE UNIFORM PUBLIC CONSTRUCTION COST ACCOUNTING ACT**

WHEREAS, Public Contract Code section 22000 et seq. sets forth the Uniform Public Construction Cost Accounting Act (the “Act”);

WHEREAS, the Act provides for the implementation of uniform construction cost accounting procedures for all public agencies electing to participate, together with instructions for their adoption and implementation by any public agency;

WHEREAS, pursuant to Public Contract Code section 22030, the Board of Education of the Beverly Hills Unified School District (“District”) formally elected to become subject to the procedures set forth in the Act and to the California Uniform Public Construction Cost Accounting Commission’s Policies and Procedures Manual and cost accounting review procedures by adopting Resolution #2015-2016-013 on January 12, 2016;

WHEREAS, pursuant to Public Contract Code section 22034, any public agency that elects to become subject to the Act must adopt informal bidding procedures to govern the selection of contractors to perform public projects pursuant to Public Contract Code section 22032(b);

NOW, THEREFORE, the Board of Education of the Beverly Hills Unified School District hereby resolves as follows:

1. That the above recitals are all true and correct.
2. That public projects undertaken by the District, as defined by the Act and in accordance with the limits listed in Public Contract Code section 22032, may be let to contract by informal procedures as set forth in Public Contract Code section 22032.
3. That the District shall develop and maintain a list of qualified contractors, identified according to categories of work, in accordance with the provisions of Public Contract Code section 22034 and criteria promulgated from time to time by the California Uniform Public Construction Cost Accounting Commission.
4. That in the event the District undertakes a project which is subject to Public Contract Code section 22032(b), a notice inviting informal bids shall be mailed to all contractors on the qualified contractors list for the category of work being bid. If the product or service sought by the District is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.

5. That the notice inviting informal bids shall describe the project in general terms and explain how to obtain more detailed information about the project, and state the time and place for the submission of informal bids.
6. That the District Superintendent or the Superintendent's designee is authorized to award informal contracts pursuant to this Resolution in accordance with Education Code section 17605.
7. That this Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this 26 day of January, by the members of the Board of Education of the Beverly Hills Unified School District.

AYES:	<u>5</u>
NOES:	<u>0</u>
ABSENT:	<u>0</u>
ABSTAIN:	<u>0</u>

I, Steve Kessler, Secretary of the Beverly Hills Unified School District Governing Board, do hereby certify that the foregoing is a full, true and correct copy of a resolution passed and adopted by said Board at a regularly scheduled and conducted meeting held on said date, which resolution is on file in office of said Board.



Secretary

Received by the BHUSD Board of Education
September 26, 2023

Welcome letter from State Controller

STATE OF CALIFORNIA

BETTY T. YEE, California State Controller

California Uniform Construction Cost Accounting Commission



Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
Contractors State License Board
Appointed
Chair-CUCCAC

Will Clemens
Public Works Dept. Administrator
County of San Luis Obispo
Counties
Vice Chair-CUCCAC

Guisele Carreon
Commercial Warrants &
Accounts Payable Manager
San Diego County Office of
Education
School Districts
Secretary-CUCCAC

George Hicks
Director of Public Works
City of Fairfield
Cities

Jeff Armstrong
Apprenticeship Director
Northern CA Laborers' Union
Labor

Eddie Bernacchi
President
NECA, Politico Group
Subcontractors

Robert R. Campbell
Auditor-Controller
County of Contra Costa
Counties

David Cruise
Area Manager
Papich Construction Inc.
General Contractors

-Vacant-
Labor

Lisa Ekers
Port Director
Santa Cruz Harbor
Special Districts

Steven L. Hartwig
Director of Public Works
City of Vacaville
Cities

Michael R. Hester
President
McGuire and Hester
Subcontractors

Nathaniel Holt
Director of Purchasing and
Contracts
Pomona Unified School District
School Districts

-Vacant-
General Contractors

February 24, 2016

Beverly Hills Unified School District
Attention: Steve Kessler
255 South Lasky Drive
Beverly Hills, CA 90212-3697

RE: Welcome New Participating Agency

Dear Mr. Kessler:

The State Controller's Office (SCO) received the Beverly Hills Unified School District's Resolution No. 2015-2016-013; 2015-2016-014, dated January 26, 2016 electing to become a participating member of the California Uniform Public Construction Cost Accounting Act (Act) pursuant to Public Contract Code (PCC) section 22030. The California Uniform Construction Cost Accounting Commission (Commission) is very pleased to welcome you as a new member.

The Commission, created by PCC 22010 in 1983, is the governing body for the Act. Comprised of fourteen members, the Commission works to ensure the equitable application of the Act. One member is appointed by the State Contractors' License Board and thirteen members are appointed by the Controller. Seven members represent public agencies: cities, counties, school districts, and special districts. Six members represent professional services: contractors, subcontractors, and laborers.

The Commission is responsible for developing uniform public construction cost accounting policies and procedures. Force account and bidding rules are periodically reviewed by working with the legislature, participating agencies, laborers, and contractors to adapt the Act to evolving industry standards. Compliance and cost accounting reviews are conducted by the Commission with independent accounting consultants as necessary. In addition, the Commission conducts meetings open to the public and maintains the Commission's webpage on the SCO web site.

As a participating member of the Act, there are many advantages, including expedited bid processes and increased bid limits. Agencies joining the Act mid-year or having a fiscal year other than a calendar year should advertise for their contractors' list as soon as practical, then re-advertise in November each year as currently required as outlined on page 6 of the Cost Accounting Policies and Procedures Manual.

State Controller's Office-Local Government Policy Section
P.O. Box 942850, Sacramento, CA 94250
Phone: (916) 327-8905 * Fax: (916) 327-3162

RECEIVED
FEB 29 2016
SUPERINTENDENT

Received by the BHUSD Board of Education
September 26, 2023

STATE OF CALIFORNIA

BETTY T. YEE, California State Controller

California Uniform Construction Cost Accounting Commission



Linda Clifford
Chief Financial Officer
C.C. Myers, Inc.
Contractors State License Board
Appointed
Chair-CUCCAC

Will Clemens
Public Works Dept. Administrator
County of San Luis Obispo
Counties
Vice Chair-CUCCAC

Guisele Carreon
Commercial Warrants &
Accounts Payable Manager
San Diego County Office of
Education
School Districts
Secretary-CUCCAC

George Hicks
Director of Public Works
City of Fairfield
Cities

Jeff Armstrong
Apprenticeship Director
Northern CA Laborers' Union
Labor

Eddie Bernacchi
President
NECA, Polinco Group
Subcontractors

Robert R. Campbell
Auditor-Controller
County of Contra Costa
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David Cruce
Area Manager
Papich Construction Inc.
General Contractors

-Vacant-
Labor

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Director of Public Works
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Cities

Michael R. Hester
President
McGuire and Hester
Subcontractors

Nathaniel Holt
Director of Purchasing and
Contracts
Pomona Unified School District
School Districts

-Vacant-
General Contractors

To better help you understand and utilize all aspects of the Act, please visit the SCO web site at http://www.sco.ca.gov/ard_cuccac.html. There you will find the Cost Accounting Policies and Procedures Manual, contact information for SCO staff and Commissioners, Commission meeting agendas and minutes, FAQ's, and other information including sample document templates to adapt to your particular needs. In the event you have questions or concerns regarding the Act, you are encouraged to contact one of the Commissioners.

On behalf of the Commission and SCO staff, I congratulate you on your election to participate in the Act. We welcome your questions and concerns, and look forward to serving you.

Sincerely,

Lj Clifford

L. J. CLIFFORD, Chair

State Controller's Office-Local Government Policy Section
P.O. Box 942850, Sacramento, CA 94250
Phone: (916) 327-8905 * Fax: (916) 327-3162

Notification letter increasing CUPCCAA limits (effective January 1, 2023)



**Los Angeles County
Office of Education**

**INFORMATIONAL
BULLETIN # 6632**

9300 Imperial Highway, Downey, California 90242-2890 • (562) 922-6111

Debra Duardo, M.S.W., Ed.D., *Superintendent*

December 27, 2022

TO: Business and Accounting Administrators
Purchasing and Contract Officers
Los Angeles County K-12 Schools and Community College Districts

FROM: Gabriel Leung, Assistant Director
Accounting and Financial Services
Division of School Financial Services

SUBJECT: COMPETITIVE BID LIMIT INCREASE TO \$109,300

Public Contract Code (PCC) Section 20111(a) for school districts and Section 20651(a) for community college districts, respectively, require district governing boards to competitively bid before awarding any contract involving an expenditure of more than \$50,000 for:

1. Purchase of equipment, materials, or supplies to be furnished, sold, or leased to the school district.
2. Services that are not construction services.
3. Repairs, including maintenance as defined in PCC Section 20115, that are not public projects as defined in PCC Section 22002(c).

The State Superintendent of Public Instruction (SSPI) is required to annually adjust the \$50,000 amount to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services. The inflation amount is rounded to the nearest one hundred dollars (\$100).

Pursuant to the above calculation, effective January 1, 2023, the SSPI has determined that the inflation adjusted bid threshold will increase by \$10,200 from \$99,100 to \$109,300. Shown below are the inflation adjusted bid thresholds for the current and two prior years:

<u>Calendar Year</u>	<u>Bid Threshold</u>	<u>Percent Change in Implicit Price Deflator</u>
January 1, 2021	\$96,700	1.57%
January 1, 2022	\$99,100	2.48%
January 1, 2023	\$109,300	10.32%

COMPETITIVE BID LIMIT INCREASE TO \$109,300

December 27, 2022

Page 2

The \$15,000 threshold for construction contracts under the PCC remains unchanged. The link to the CDE correspondence is <https://www.cde.ca.gov/fg/ac/co/bidthreshold2023.asp>.

For districts that adopted the CUPCAA (California Uniform Public Construction Cost Accounting Act), limits are as follows:

Code Section	Requirement	Limit
PCC 22032(a)	No bid requirements. May be performed by employees of a public agency	\$60,000 or less
PCC 22032(b)	Informal bid procedures (PCC 22034)	\$200,000 or less
PCC 22032(c)	Formal bidding procedure	Over \$200,000

Please contact Jenny Zermeño at (562) 922-8874 or e-mail Zermeno_Jenny@laoe.edu if you have any questions regarding this bulletin.

Approved:
Nkeiruka Benson, Director
Division of School Financial Services

GL:lt

SFS-A29-2022-2023

CALIFORNIA CODES
Public Contract Codes

Section 20111

20111.

- a) The governing board of any school district, in accordance with any requirement established by that governing board pursuant to subdivision (a) of Section 2000, shall let any contracts involving an expenditure of more than fifty thousand dollars (\$50,000) for any of the following:
- 1) The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district.
 - 2) Services, except construction services.
 - 3) Repairs, including maintenance as defined in Section 20115, that are not a public project as defined in subdivision (c) of Section 22002.

The contract shall be let to the lowest responsible bidder who shall give security as the board requires, or else reject all bids.

- b) The governing board shall let any contract for a public project, as defined in subdivision (c) Section 22002, involving an expenditure of fifteen thousand dollars (\$15,000) or more, to the lowest responsible bidder who shall give security as the board requires, or else reject all bids. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:
- 1) Cash.
 - 2) A cashier's check made payable to the school district.
 - 3) A certified check made payable to the school district.
 - 4) A bidder's bond executed by an admitted surety insurer, made payable to the school district.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the school district beyond 60 days from the time the award is made.

- c) This section applies to all equipment, materials, or supplies, whether patented or otherwise, and to contracts awarded pursuant to subdivision (a) of Section 2000. This section shall not apply to professional services or advice, insurance services, or any other purchase or service otherwise exempt from this section, or to any work done by day labor or by force account pursuant to Section 20114.
- d) Commencing January 1, 1997, the Superintendent of Public Instruction shall annually adjust the dollar amounts specified in subdivision (a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year. The annual adjustments shall be rounded to the nearest one hundred dollars (\$100).

CALIFORNIA CODES Public Contract Codes

Section 20651

20651.

- a) The governing board of any community college district shall let any contracts involving an expenditure of more than fifty thousand dollars (\$50,000) for any of the following:
- 1) The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district.
 - 2) Services, except construction services.
 - 3) Repairs, including maintenance as defined in Section 20656, that are not a public project as defined in subdivision (c) of Section 22002.

The contract shall be let to the lowest responsible bidder who shall give security as the board requires, or else reject all bids.

- b) The governing board shall let any contract for a public project, as defined in subdivision (c) of Section 22002, involving an expenditure of fifteen thousand dollars (\$15,000) or more to the lowest responsible bidder who shall give security as the board requires, or else reject all bids. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security:
- 1) Cash.
 - 2) A cashier's check made payable to the community college district.
 - 3) A certified check made payable to the community college district.
 - 4) A bidder's bond executed by an admitted surety insurer, made payable to the community college district.

Upon an award to the lowest bidder, the security of an unsuccessful bidder shall be returned in a reasonable period of time, but in no event shall that security be held by the district beyond 60 days from the time the award is made.

- c) This section applies to all equipment, materials, or supplies, whether patented or otherwise. This section shall not apply to professional services or advice, insurance services, or any other purchase or service otherwise exempt from this section, or to any works done by force account pursuant to Section 20655.
- d) Commencing January 1, 1997, the Board of Governors of the California Community Colleges shall annually adjust the dollar amounts specified in subdivision (a) to reflect the percentage change in the annual average value of the Implicit Price Deflator for State and Local Government Purchases of Goods and Services for the United States, as published by the United States Department of Commerce for the 12-month period ending in the prior fiscal year. The annual adjustments shall be rounded to the nearest one hundred dollars (\$100).



APPENDIX I

March 27, 2014 Board Agenda Item Authorizing Pre-Qualification

Prequalification Packet

Prequalification Score Sheet

**March 27, 2014 Board Agenda Item Authorizing Pre-Qualification to Support Upcoming Construction
and Modernization Projects**

4. PLANNING AND FACILITIES

4.1. APPROVAL OF PRE-QUALIFICATION PACKAGE TO SUPPORT UPCOMING CONSTRUCTION AND MODERNIZATION PROJECTS

Submitted By

Dawnalyn Murakawa-Leopard, EdD, Chief Administrative Officer

Current Consideration

Approval of the revised Pre-Qualification Package will allow the District to initiate the selection process for qualified contractors and subcontractors that can be invited to bid for the District's upcoming Measure E Projects, including the Horace Mann New Classroom Building. A list of pre-qualified contractors will be published ten days prior to bid opening, and only contractors on that list will be permitted to submit bids to the District. Once bids have been opened, staff will bring a recommendation for bid award to the Board for approval.

Actions:

Motion

Approval of the revised Pre-Qualification Package will allow the District to initiate the selection process for qualified contractors and subcontractors that can be invited to bid for the District's upcoming Measure E Projects, including the Horace Mann New Classroom Building. A list of pre-qualified contractors will be published ten days prior to bid opening, and only contractors on that list will be permitted to submit bids to the District. Once bids have been opened, staff will bring a recommendation for bid award to the Board for approval. - Motion made by Howard Goldstein and a seconded by Lewis Hall.

Vote:

Yes Dr. Brian David Goldberg.
Yes Lewis Hall.
Yes Howard Goldstein.

Background Information

The pre-qualification package for general contractors and sub contractors is in compliance with current law, including revisions to the California Public Contract Code that went into effect on January 1, 2014. These revisions to code included the establishment of a mandatory pre-qualification process.

Minutes:

Ms. Mary Anne McCabe presented this item to the Board.

Administrative Recommendation

It is respectfully requested that the Board approve the Pre-Qualification Package for use in the selection process for qualified contractors and subcontractors.

Attachments:

 Pre-Qualification Score Sheet
 Pre-Qualification Document



Received by the BHUSD Board of Education
September 26, 2023

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

PREQUALIFICATION PROCEDURES

Notice is hereby given by the Beverly Hills Unified School District ("District") that pursuant to Public Contract Code section 20111.6, it shall be mandatory that all General Contractors, Mechanical/Plumbing Subcontractors, and Electrical Subcontractors seeking to participate in the bidding on the District's [INSERT PROJECT NAME] project ("Project") be prequalified. General Contractors are required to have a License "B" and mechanical, electrical, and plumbing subcontractors must have Licenses "C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46" to participate in the bidding on the Project. These identified contractors are required to prequalify prior to bidding by completing this Prequalification Questionnaire and submitting all required documentation. Prequalification application packages are available on the District's website or at the District's Facilities office.

Timeline

All prequalification packets are due by 4:00 p.m. on Monday, April 14th, 2013 in the Purchasing Office at 255 S. Lasky Drive, Beverly Hills, CA 90212. The District will publish a list of all prequalified contractors at least five (5) business days prior to the bid opening. All packets must be received completed with the requested information and documentation completing filled out and submitted.

Questionnaire

The questionnaire includes spaces for answers to be provided by the contractors, with the forms to be returned to the District. All questions on the questionnaire must be responded to, with the exception of the General Contractor questions identified herein, only entities seeking prequalification as a General Contractor are required to complete these items. If a question is not applicable to the contractor please use "NA" for "not applicable." As required by legislation, the information provided to the District by the contractors, other than the names, addresses and contractor license numbers of the contractors applying – is kept confidential.

If two or more business entities submit a bid on a project as a Joint Venture, or expect to submit a bid as part of a Joint Venture, each entity within the Joint Venture must be separately qualified to bid.

Each questionnaire must be signed under penalty of perjury in the manner designated at the end of the form, by an individual who has the legal authority to bind the contractor on whose behalf that person is signing. If any information provided by a contractor becomes inaccurate, the contractor must immediately notify the District and provide updated accurate information, under penalty of perjury. Each prospective bidder shall have a duly authorized owner, officer, or principal complete the questionnaire and verify the truth of the information provided therein and in the financial statements.

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

Evaluation by the District

The District will evaluate the information provided and issue each submitting contractor a rating of "prequalified," or "Not prequalified."

Appeals

A contractor who has timely submitted a completed application form, and who receives a rating of "Not Prequalified" from the District may appeal that determination. There is no appeal from a finding that a contractor is not prequalified because of a late application or a failure to submit required information.

A contractor may appeal the District's decision with respect to its request for prequalification, by giving notice to the District no later than five (5) business days after receipt of notice of its qualification status. Notice shall be sent to the address listed above, requesting a hearing and setting forth in general terms the basis of the appeal.

The District's Superintendent or his/her designee will convene an appeals panel for the hearing as necessary, and will conduct a hearing on the appeal no later than 5 business days following the Contractor's delivery of the written notice of appeal. The hearing conducted by the District will be informal and is not an evidentiary hearing. At the hearing, the Contractor will be given the opportunity to present information and reasons in opposition to the District's determination. The appeals panel will consider all evidence, information and arguments submitted by the Contractor relevant to the District's determination, the District's response to such evidence, information and arguments, and any other information the Director deems relevant.

Within 5 business days following the hearing, the District Superintendent or their designee, will provide a written decision whether the Contractor is qualified or not qualified. The written decision is the final determination of the issue, and the Contractor shall have no further administrative appeals.

The procedure and time limits set forth above are mandatory and the Contractor's sole and exclusive remedy in the event of protest. Failure to comply with these procedures shall constitute a waiver of any right to further pursue the protest, including filing a Government Code claim or legal proceedings. Unless a contractor files a timely appeal, the contractor waives any and all rights to challenge the qualification decision of the District, whether by administrative process, judicial process or any other legal process or proceeding. The District reserves the right to resolve appeals before or after bid opening or award of any contract. The date for submission and opening of bids for a specific project and any subsequent contract award will not be delayed or postponed to allow for completion of an appeal process.

Bidding

Bids will not be accepted from any contractor that did not timely submit a completed Prequalification questionnaire and supporting documents, including financial statements, are sent to the District. Omission of requested information, falsification of information, or failing to use the forms provided by the District may result in a finding of "not prequalified". Any mechanical, electrical or plumbing subcontractors required for any Project must be prequalified pursuant to these prequalification forms and requirements, and all general contractors must use prequalified



Received by the BHUSD Board of Education
September 26, 2023

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

mechanical, electrical and plumbing subcontractors. If a listed mechanical, electrical and plumbing subcontractor in any general contractor bid is not prequalified, that bid will not be accepted.

The District reserves the right to amend the prequalification packet at any time. The District reserves the right to waive minor irregularities and omissions in the information contained in the Prequalification application submitted and to make all final determinations. Additionally, a determination by the District that a contractor is prequalified does not amount to a final determination made by the District that such contractor is responsible or responsive for purposes of his/her bid evaluation. The District may, in accordance with applicable law reject a prequalified contractor's bid, and the District may additionally reject all bids if it determines such action is in the best interest of the public.



Received by the BHUSD Board of Education
September 26, 2023

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

CONTACT INFORMATION

Firm Name: _____ Check One: ☐ Corporation
(as it appears on license) ☐ Partnership

☐ Sole Prop.

Contact Person: _____

Address: _____

Phone: _____ Fax: _____

Email Address: _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

The remainder of this page is intentionally left blank.

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

PART I. ESSENTIAL REQUIREMENTS FOR QUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 5, or 10 for General Contractors is “no.”¹

Contractor will be immediately disqualified if the answer to any of questions 6, 7, 8 or 9 is “yes.”² If the answer to question 8 is “yes,” and if debarment would be the sole reason for denial of pre-qualification, any pre-qualification issued will exclude the debarment period.

1. Contractor possesses a valid and current California Contractor’s license for the project or projects for which it intends to submit a bid.
☐ Yes ☐ No
2. Contractor has a liability insurance policy with a policy limit of at least \$1,000,000 per occurrence and \$2,000,000 aggregate.
☐ Yes ☐ No
3. Contractor has current workers’ compensation insurance policy as required by the Labor Code or is legally self-insured pursuant to Labor Code section 3700 et. seq.
☐ Yes ☐ No ☐ Contractor is exempt from this requirement, because it has no employees
4. Have you attached your latest copy of a reviewed or audited financial statement with accompanying notes and supplemental information?³
☐ Yes ☐ No

NOTE: A financial statement that is not either reviewed or audited is not acceptable. A letter verifying availability of a line of credit may also be attached; however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

The remainder of this page is intentionally left blank.

¹ A “no” answer to Question 4 will not be disqualifying if the contractor is exempt from complying with Question 4, for reasons explained in footnote 7.

² A contractor disqualified solely because of a “Yes” answer given to question 6, 7, or 9 may appeal the disqualification and provide an explanation of the relevant circumstances during the appeal procedure.

³ Public Contract Code section 20101(e) exempts from this requirement a contractor who has qualified as a small business pursuant to Government Code section 14837(d)(1), if the bid is “no more than 25 per cent of the qualifying amount provided in section 14837(d)(1).” As of January 1, 2001, the qualifying amount is \$10 million, and 25 per cent of that amount, therefore, is \$2.5 million.

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[INSERT PROJECT NAME] Project
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5. Have you attached a notarized statement from an admitted surety insurer (approved by the California Department of Insurance) and authorized to issue bonds in the State of California, which states: (a) that your current bonding capacity is sufficient for the project for which you seek pre-qualification if you are seeking pre-qualification for a single project; or (if you are seeking pre-qualification valid for a year) (b) your current available bonding capacity?⁴
☐ Yes ☐ No

NOTE: Notarized statement must be from the surety company, not an agent or broker.

6. Has your contractor's license been revoked at any time in the last five years?
☐ Yes ☐ No
7. Has a surety firm completed a contract on your behalf, or paid for completion because your firm was default terminated by the project owner within the last five (5) years?
☐ Yes ☐ No
8. At the time of submitting this pre-qualification form, is your firm ineligible to bid on or be awarded a public works contract, or perform as a subcontractor on a public works contract, pursuant to either Labor Code section 1777.1 or Labor Code section 1777.7?
☐ Yes ☐ No

If the answer is "Yes," state the beginning and ending dates of the period of debarment:

9. At any time during the last five years, has your firm or any of its owners or officers been convicted of a crime involving the awarding of a contract of a government construction project, or the bidding or performance of a government contract?
☐ Yes ☐ No
10. **[FOR GENERAL CONTRACTORS ONLY]** Has your firm completed at least three (3) California public school district construction projects with an original contract value of at least *[Insert Project Specific \$\$\$ Amount]*?
☐ Yes ☐ No

The remainder of this page is intentionally left blank.

⁴ An additional notarized statement from the surety may be requested by *Public Entity* at the time of submission of a bid, if this pre-qualification package is submitted more than 60 days prior to submission of the bid.

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PART II. ORGANIZATION, HISTORY, ORGANIZATIONAL PERFORMANCE, COMPLIANCE WITH CIVIL AND CRIMINAL LAWS

A. Current Organization and Structure of the Business

For Firms That Are Corporations:

- 1a. Date incorporated: _____
1b. Under the laws of what state: _____
1c. Provide all the following information for each person who is either (a) an officer of the corporation (president, vice president, secretary, treasurer), or (b) the owner of at least ten per cent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Social Security #

- 1d. Identify every construction firm that any person listed above has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.
NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or 10 per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Firm	Dates of Person's Participation with Firm

For Firms That Are Partnerships:

- 1a. Date of formation: _____
1b. Under the laws of what state: _____
1c. Provide all the following information for each partner who owns 10 per cent or more of the firm.

Name	Position	Years with Co.	% Ownership	Social Security #

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[INSERT PROJECT NAME] Project
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- 1d. Identify every construction company that any partner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

For Firms That Are Sole Proprietorships:

- 1a. Date of commencement of business. _____
1b. Social security number of company owner. _____
1c. Identify every construction firm that the business owner has been associated with (as owner, general partner, limited partner or officer) at any time during the last five years.

NOTE: For this question, "owner" and "partner" refer to ownership of ten per cent or more of the business, or ten per cent or more of its stock, if the business is a corporation.

Person's Name	Construction Company	Dates of Person's Participation with Company

For Firms That Intend to Make a Bid as Part of a Joint Venture:

- 1a. Date of commencement of joint venture. _____
1b. Provide all of the following information for each firm that is a member of the joint venture that expects to bid on one or more projects:

Name of firm	% Ownership of Joint Venture

NOTE: On a separate sheet provide all other pertinent information required in the sections above, for each corporation, partnership or sole-proprietorship that is a part of the joint venture.

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[INSERT PROJECT NAME] Project
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B. History of the Business and Organizational Performance

2. Has there been any change in ownership of the firm at any time during the last three years?
NOTE: A corporation whose shares are publicly traded is not required to answer this question.

☐ Yes ☐ No

If "yes," explain on a separate signed page.

3. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information about other firms if one firm owns 50 per cent or more of another, or if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes ☐ No

If "yes," explain on a separate signed page.

4. Are any corporate officers, partners or owners connected to any other construction firms?
NOTE: Include information about other firms if an owner, partner, or officer of your firm holds a similar position in another firm.

☐ Yes ☐ No

If "yes," explain on a separate signed page.

5. State your firm's gross revenues for each of the last three years:

_____	_____	_____
Current	Previous year	Year prior to previous year

6. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

7. Is your firm currently the debtor in a bankruptcy case?

☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number, and the date on which the petition was filed.

The remainder of this page is intentionally left blank.

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8. Was your firm in bankruptcy at any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above)
- ☐ Yes ☐ No

If "yes," please attach a copy of the bankruptcy petition, showing the case number and the date on which the petition was filed, and a copy of the Bankruptcy Court's discharge order, or of any other document that ended the case, if no discharge order was issued.

Licenses

9. List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

10. If any of your firm's license(s) are held in the name of a corporation or partnership, list below the names of the qualifying individual(s) listed on the CSLB records who meet(s) the experience and examination requirements for each license.

11. Has your firm changed names or license number in the past five years?
- ☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

12. Has any owner, partner or (for corporations) officer of your firm operated a construction firm under any other name in the last five years?
- ☐ Yes ☐ No

If "yes," explain on a separate signed page, including the reason for the change.

13. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?
- ☐ Yes ☐ No

If "yes," please explain on a separate signed sheet.

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[INSERT PROJECT NAME] Project
Prequalification Document

Disputes

14. At any time in the last five years has your firm been assessed and paid liquidated damages after completion of a project under a construction contract with either a public or private owner?

☐ Yes ☐ No

If yes, explain on a separate signed page, identifying all such projects by owner, owner's address, the date of completion of the project, amount of liquidated damages assessed and all other information necessary to fully explain the assessment of liquidated damages.

15. In the last five years has your firm, or any firm with which any of your company's owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: "Associated with" refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

☐ Yes ☐ No

If "yes," explain on a separate signed page. State whether the firm involved was the firm applying for pre-qualification here or another firm. Identify by name of the company, the name of the person within your firm who was associated with that company, the year of the event, the owner of the project, the project and the basis for the action.

16. In the last five years has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?

☐ Yes ☐ No

If "yes," explain on a separate signed page. Identify the year of the event, the owner, the project and the basis for the finding by the public agency.

The remainder of this page is intentionally left blank.



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[INSERT PROJECT NAME] Project
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* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

17. In the past five years has any claim against your firm concerning your firm’s work on a construction project been filed in court or arbitration?
- ☐ Yes ☐ No

If “yes,” on separate signed sheets of paper identify the claim(s) by providing the project name, date of the claim, name of the claimant, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending or, if resolved, a brief description of the resolution).

18. In the past five years has your firm made any claim against a project owner concerning work on a project or payment for a contract and filed that claim in court or arbitration?
- ☐ Yes ☐ No

If “yes,” on separate signed sheets of paper identify the claim by providing the project name, date of the claim, name of the entity (or entities) against whom the claim was filed, a brief description of the nature of the claim, the court in which the case was filed and a brief description of the status of the claim (pending, or if resolved, a brief description of the resolution).

* * * * *

19. At any time during the past five years, has any surety company made any payments on your firm’s behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm’s behalf, in connection with a construction project, either public or private?
- ☐ Yes ☐ No

If “yes,” explain on a separate signed page the amount of each such claim, the name and telephone number of the claimant, the date of the claim, the grounds for the claim, the present status of the claim, the date of resolution of such claim if resolved, the method by which such was resolved if resolved, the nature of the resolution and the amount, if any, at which the claim was resolved.

The remainder of this page is intentionally left blank.

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

20. In the last five years has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
☐ Yes ☐ No

If "yes," explain on a separate signed page. Name the insurance carrier, the form of insurance and the year of the refusal.

Criminal Matters and Related Civil Suits

21. Has your firm or any of its owners, officers or partners ever been found liable in a civil suit or found guilty in a criminal action for making any false claim or material misrepresentation to any public agency or entity?
☐ Yes ☐ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the investigation and the grounds for the finding.

22. Has your firm or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
☐ Yes ☐ No

If "yes," explain on a separate signed page, including identifying who was involved, the name of the public agency, the date of the conviction and the grounds for the conviction.

23. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
☐ Yes ☐ No

If "yes," identify on a separate signed page the person or persons convicted, the court (the county if a state court, the district or location of the federal court), the year and the criminal conduct.

Bonding

24. Bonding capacity: Provide documentation from your surety identifying the following:

Name of bonding company/surety: _____

Name of surety agent, address and telephone number:

The remainder of this page is intentionally left blank.

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[INSERT PROJECT NAME] Project
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25. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____ %

26. List all other sureties (name and full address) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds:

27. During the last five years, has your firm ever been denied bond coverage by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

If yes, provide details on a separate signed sheet indicating the date when your firm was denied coverage and the name of the company or companies which denied coverage; and the period during which you had no surety bond in place.

C. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

28. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

NOTE: If you have filed an appeal of a citation, and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If "yes," attached a separate signed page describing the citations, including information about the dates of the citations, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any. If the citation was appealed to the Occupational Safety and Health Appeals Board and a decision has been issued, state the case number and the date of the decision.



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29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If "yes," attach a separate signed page describing each citation.

31. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

32. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher you may, if you wish, attach a letter of explanation.

The remainder of this page is intentionally left blank.

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33. Within the last five years has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?
☐ Yes ☐ No

If "yes," please explain the reason for the absence of workers' compensation insurance on a separate signed page. If "No," please provide a statement by your current workers' compensation insurance carrier that verifies periods of workers' compensation insurance coverage for the last five years. (If your firm has been in the construction business for less than five years, provide a statement by your workers' compensation insurance carrier verifying continuous workers' compensation insurance coverage for the period that your firm has been in the construction business.)

Prevailing Wage and Apprenticeship Compliance Record

34. Has there been more than one occasion during the last five years in which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.
☐ Yes ☐ No

If "yes," attach a separate signed page or pages, describing the nature of each violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid and the amount of back wages and penalties that you were required to pay.

35. During the last five years, has there been more than one occasion in which your own firm has been penalized or required to pay back wages for failure to comply with the **federal** Davis-Bacon prevailing wage requirements?
☐ Yes ☐ No

If "yes," attach a separate signed page or pages describing the nature of the violation, identifying the name of the project, the date of its completion, the public agency for which it was constructed; the number of employees who were initially underpaid, the amount of back wages you were required to pay along with the amount of any penalty paid.

The remainder of this page is intentionally left blank.

Beverly Hills Unified School District
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36. Provide the **name, address and telephone number** of the apprenticeship program (approved by the California Apprenticeship Council) from whom you intend to request the dispatch of apprentices to your company for use on any public work project for which you are awarded a contract by *[Public Entity]*.

37. If your firm operates its own State-approved apprenticeship program:

- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
- (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
- (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

The remainder of this page is intentionally left blank

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38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998, if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

☐ Yes ☐ No

If "yes," provide the date(s) of such findings, and attach copies of the Department's final decision(s).

39. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, were any stop payment notices filed on the projects?

☐ Yes ☐ No

If "yes," provide a written description of each such stop payment notice indicating the amount of the claim and resolution, including if such claim resulted in litigation. If any claims resulted in litigation contractor shall also provide the applicable case numbers.

40. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, did any project have change orders resulting in an increase in the final contract price in excess of ten percent (10%) over the original contract value?

☐ Yes ☐ No

If "yes," provide a written summary of the total percentage of change orders for each such project including a description of the cause of the relevant change orders.

41. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, was any project completion date more than five percent (5%) of days over the original contract completion date?

☐ Yes ☐ No

If "yes," provide a written description each such project including the cause of the relevant delay.

The remainder of this page is intentionally left blank.

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
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42. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, was any project subject to an investigation by the Department of Industrial Relations/Division of Labor Standards Enforcement for any alleged violations of the California Labor Code by the contractor?

☐ Yes ☐ No

If "yes," provide a written summary of each such investigation, including the result and any civil wage and penalty assessments issued.

PART III. RECENT CONSTRUCTION PROJECTS COMPLETED

43. Contractor shall provide information about its six most recently completed school district public works projects of a similar size to the proposed project and its three largest completed private projects within the last three years.⁵

General Contractors shall submit only projects in which the firm held the contract with the owner (i.e. public or private entity).

Mechanical, Plumbing, and Electrical Contractors must submit projects in which the firm served as the lead contractor for the craft (i.e. Mechanical, Plumbing, or Electrical). They also must submit the verifiable prime contractor or construction manager for each project.

Names and references must be current and verifiable. Use separate sheets of paper that contain all of the following information:

Project Name: _____

Location: _____

Owner: _____

Owner Contact (name and current phone number):

The remainder of this page is intentionally left blank.

⁵ If you wish, you may, using the same format, also provide information about other projects that you have completed that are similar to the project(s) for which you expect to bid.



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September 26, 2023

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
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Architect or Engineer: _____

Architect or Engineer Contact (name and current phone number):

Construction Manager (name and current phone number):

Description of Project, Scope of Work Performed:

Total Value of Construction (including change orders): _____

Original Scheduled Completion Date: _____

Time Extensions Granted (number of days): _____

Actual Date of Completion: _____

The remainder of this page is intentionally left blank

Beverly Hills Unified School District
[INSERT PROJECT NAME] Project
Prequalification Document

PART IV – CERTIFICATION

Questionnaires submitted by corporations must be signed with the legal name of the corporation, followed by the name of the state of incorporation and by the signature and designation of the Chairman of the Board, President or any Vice President, and then followed by a second signature by the Secretary, Assist Secretary, Chief Financial Officer or Assistant Treasurer. The name of each person signing shall also be typed or printed below the signature. Satisfactory evidence of the authority of each officer signing on behalf of a corporation shall be furnished.

Questionnaires submitted by partnerships must furnish the full name of all partners and must be signed in the partnership name by a general partner with authority to bind the partnership in such matters, followed by the signature and designation of the person signing. The name of the person signing shall also be typed or printed below the signature.

Each person signing below makes the following representations under penalty of perjury:

The submitter of the foregoing answers to the questionnaire has read the same and the matters stated there are true of his or her own personal knowledge. This information is provided for the purpose of qualifying to bid on the Project, and any individual, company or other agency names herein is hereby authorized to supply the District with any information necessary to verify the prospective bidder's statements. By signing below, the submitter and the named contractor hereby grant permission to the District to contact any or all of the above persons or entities to confirm facts or otherwise investigate the above facts and issues.

The submitter understands that any statement which is proven to be false shall be grounds for immediate disqualification from bidding on the Project. The submitter whose signature appears below represents and warrants that he or she has authority to bind the named contractor.



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[INSERT PROJECT NAME] Project
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I, the undersigned, certify and declare that I have read all the foregoing answers to this prequalification questionnaire and know their contents. The matters stated in the questionnaire answers are true of my own knowledge and belief, except as to those matters stated on information and belief, and as to those matters I believe them to be true. I declare under penalty of perjury under the laws of the State of California, that the foregoing is correct.

Executed this _____ day of _____, 20____, at _____.

Signature celebratory

Typed name

Contractor

(Add additional signature pages as necessary to comply with the directions above.)

BHUSD
[INSERT PROJECT NAME]
Pre-Qualification for Bidders

A LIST OF THE SCORABLE QUESTIONS AND THE SCORING INSTRUCTIONS

The scorable questions arise in the following areas of the Prequalification Questionnaire:

- Part (I) Essential Requirements for Qualification, Questions 1-10 = Pass/Fail
- Part (II) Organization, History, Organizational Performance, Compliance with Civil and Criminal Laws
 - A. Current Organization and Structure, Questions, 1a-1d =Not Scored
 - B. History of the Business and Organizational Performance, Questions 2-27, Scored Questions 6-8, 13-23, 25, & 27.
 - C. Compliance with Occupational Safety and Health Laws, Workers' Compensation and Other Labor Legislation, Questions 28-38, All Scored
 - D. General Contractor Requirements, Questions 39-41, All Scored
- Part (III) Recent Construction Projects Completed = Not Scored.

Note: Not all questions in the questionnaire are scorable; some questions simply ask for information about the contractor firm's structure, officers and history. All non-scored questions are subject to verification for accuracy by the District. As described in the Prequalification Questionnaire, failure to accurately complete the non-scored questions may result in disqualification. This document includes only those questions that are "scorable." The question numbers in this document are the numbers used in the questionnaire. Thus, the questions included here begin with question number 6, and there are a few breaks in the numerical sequence.

The Scores Needed for Prequalification

To prequalify, a contractor would be required to have a passing grade within each of the categories referred to above.

For Part II (B), "History of the business and organizational performance," Pursuant to DIR's recommendation a passing score of **57** is required on this portion of the questionnaire (of a maximum score of 76 on this portion of the questionnaire).

For Part II (C), Compliance with occupational safety and health laws, workers' compensation and other labor legislation Pursuant to DIR's recommendation a passing score of **38** is required on this portion of the questionnaire (of a maximum score of 53 points on this portion of the questionnaire).

For Part II (D) General Contractor Requirements, Contractor must have a passing score of **14** on this portion of the questionnaire (of a maximum score of 20 points on this portion of the questionnaire).

BHUSD
[INSERT PROJECT NAME]
Pre-Qualification for Bidders

Part II (B) Questions about History of the Business and Organizational Performance
(16 questions)

6. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ years

3 years or more = 2 points
4 years = 3 points 5 years = 4 pts.
6 years or more = 5 points

7. Is your firm currently the debtor in a bankruptcy case?
☐ Yes ☐ No

“No” = 3 points “Yes” = 0 points

8. Was your firm in bankruptcy any time during the last five years? (This question refers only to a bankruptcy action that was not described in answer to question 7, above).
☐ Yes ☐ No

“No” = 3 points “Yes” = 0 points

13. Has any CSLB license held by your firm or its Responsible Managing Employee (RME) or Responsible Managing Officer (RMO) been suspended within the last five years?
☐ Yes ☐ No

No = 5 points Yes = 0 points

14. At any time in the last five years, has your firm been assessed and paid liquidated damages after completion of a project, under a construction contract with either a public or private owner?
☐ Yes ☐ No

No projects with liquidated damages of more than \$50,000, or one project with liquidated damages = 5 points.
Two projects with liquidated damages of more than \$50,000 = 3 points
Any other answer: no points

15. In the last five years has your firm, or any firm with which any of your company’s owners, officers or partners was associated, been debarred, disqualified, removed or otherwise prevented from bidding on, or completing, any government agency or public works project for any reason?

NOTE: “Associated with” refers to another construction firm in which an owner, partner or officer of your firm held a similar position, and which is listed in response to question 1c or 1d on this form.

☐ Yes ☐ No

No = 5 points Yes = 0 points

BHUSD
[INSERT PROJECT NAME]
Pre-Qualification for Bidders

16. In the last five years, has your firm been denied an award of a public works contract based on a finding by a public agency that your company was not a responsible bidder?
- ☐ Yes ☐ No

No = 5 points Yes = 0 points

* * * * *

NOTE: The following two questions refer only to disputes between your firm and the owner of a project. You need not include information about disputes between your firm and a supplier, another contractor, or subcontractor. You need not include information about “pass-through” disputes in which the actual dispute is between a sub-contractor and a project owner. Also, you may omit reference to all disputes about amounts of less than \$50,000.

17. In the past five years, has any claim **against** your firm concerning your firm’s work on a construction project, been **filed in court or arbitration**?
- ☐ Yes ☐ No

If the firm’s average gross revenue for the last three years was less than \$50 million, scoring is as follows:

*5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances.*

If the firm’s average gross revenue for the last three years was more than \$50 million, scoring is as follows:

*5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.*

18. In the past five years, has your firm made any claim against a project owner concerning work on a project or payment for a contract, and **filed that claim in court or arbitration**?
- ☐ Yes ☐ No

If the firm’s average gross revenues for the last three years was less than \$50 million scoring is as follows:

*5 points for either “No” or “Yes” indicating 1 such instance.
3 points for “Yes” indicating 2 such instances.
0 points for “Yes” if more than 2 such instances.*

If the firm’s average gross revenues for the last three years was more than \$50 million, scoring is as follows:

*5 points for either “No” or “Yes” indicating 1, 2, or 3 such instances.
3 points for “Yes” indicating either 4 or 5 such instances.
0 points for “Yes” if more than 5 such instances.*

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19. At any time during the past five years, has any surety company made any payments on your firm's behalf as a result of a default, to satisfy any claims made against a performance or payment bond issued on your firm's behalf in connection with a construction project, either public or private?
- ☐ Yes ☐ No

***5 points for either "No" or "Yes" indicating 1 such claim.
3 points for "Yes" indicating no more than 2 such claims
Subtract five points for "Yes" if more than 2 such claims***

20. In the last five years, has any insurance carrier, for any form of insurance, refused to renew the insurance policy for your firm?
- ☐ Yes ☐ No

***5 points for either "No" or "Yes" indicating 1 such instance.
3 points for "Yes" indicating 2 such instances.
0 points for "Yes" or if more than 2 such instances.***

21. Has your firm, or any of its owners, officers, or partners ever been found liable in a civil suit, or found guilty in a criminal action, for making any false claim or material misrepresentation to any public agency or entity?
- ☐ Yes ☐ No

No = 5 points Yes = subtract 5 points

22. Has your firm, or any of its owners, officers or partners ever been convicted of a crime involving any federal, state, or local law related to construction?
- ☐ Yes ☐ No

No = 5 points Yes = subtract 5 points

23. Has your firm or any of its owners, officers or partners ever been convicted of a federal or state crime of fraud, theft, or any other act of dishonesty?
- ☐ Yes ☐ No

No = 5 points Yes = subtract 5 points

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25. If your firm was required to pay a premium of more than one per cent for a performance and payment bond on any project(s) on which your firm worked at any time during the last three years, state the percentage that your firm was required to pay. You may provide an explanation for a percentage rate higher than one per cent, if you wish to do so.

_____ %

5 points if the rate is no more than one per cent

3 points if the rate was no higher than 1.10 per cent.

0 points for any other answer.

27. During the last five years, has your firm ever been denied bond credit by a surety company, or has there ever been a period of time when your firm had no surety bond in place during a public construction project when one was required?

☐ Yes ☐ No

No = 5 points Yes = 0 points

Score = 57/76 to pass

**Part II (C) Questions about compliance with safety, workers compensation,
prevailing wage and apprenticeship laws.**

(11 questions)

28. Has CAL OSHA cited and assessed penalties against your firm for any "serious," "willful" or "repeat" violations of its safety or health regulations in the past five years?

Note: If you have filed an appeal of a citation and the Occupational Safety and Health Appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

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29. Has the federal Occupational Safety and Health Administration cited and assessed penalties against your firm in the past five years?

Note: If you have filed an appeal of a citation and the appropriate appeals Board has not yet ruled on your appeal, you need not include information about it.

☐ Yes ☐ No

If yes, attach a separate signed page describing each citation.

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.

30. Has the EPA or any Air Quality Management District or any Regional Water Quality Control Board cited and assessed penalties against either your firm or the owner of a project on which your firm was the contractor, in the past five years?

NOTE: If you have filed an appeal of a citation and the Appeals Board has not yet ruled on your appeal, or if there is a court appeal pending, you need not include information about the citation.

☐ Yes ☐ No

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1 such instance.

3 points for "Yes" indicating 2 such instances.

0 points for "Yes" or if more than 2 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating 1, 2, or 3 such instances.

3 points for "Yes" indicating either 4 or 5 such instances.

0 points for "Yes" if more than 5 such instances.



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31. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

*3 points for an answer of once each week or more often.
0 points for any other answer*

32. List your firm's Experience Modification Rate (EMR) (California workers' compensation insurance) for each of the past three premium years:

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

Current year: _____

Previous year: _____

Year prior to previous year: _____

If your EMR for any of these three years is or was 1.00 or higher, you may, if you wish, attach a letter of explanation.

NOTE: An Experience Modification Rate is issued to your firm annually by your workers' compensation insurance carrier.

5 points for three-year average EMR of .95 or less

3 points for three-year average of EMR of more than .95 but no more than 1.00

0 points for any other EMR

33. Within the last five years, has there ever been a period when your firm had employees but was without workers' compensation insurance or state-approved self-insurance?

☐ Yes ☐ No

5 points for either "No" or "Yes" indicating 1 such instance.

0 points for any other answer.

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[INSERT PROJECT NAME]
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34. Has there been more than one occasion during the last five years on which your firm was required to pay either back wages or penalties for your own firm's failure to comply with the state's prevailing wage laws?

☐ Yes ☐ No

NOTE: This question refers only to your own firm's violation of prevailing wage laws, not to violations of the prevailing wage laws by a subcontractor.

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

35. During the last five years, has there been more than one occasion on which your own firm has been penalized or required to pay back wages for failure to comply with the federal Davis-Bacon prevailing wage requirements?

☐ Yes ☐ No

If the firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If the firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No" or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

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36. Provide the **name, address and telephone number** of the apprenticeship program sponsor(s) (approved by the California Division of Apprenticeship Standards) that will provide apprentices to your company for use on any public work project for which you are awarded a contract by *[Public Entity]*.

*5 points if at least one approved apprenticeship program is listed.
0 points for any other answer.*

37. If your firm operates its own State-approved apprenticeship program:
- (a) Identify the craft or crafts in which your firm provided apprenticeship training in the past year.
 - (b) State the year in which each such apprenticeship program was approved, and attach evidence of the most recent California Apprenticeship Council approval(s) of your apprenticeship program(s).
 - (c) State the number of individuals who were employed by your firm as apprentices at any time during the past three years in each apprenticeship and the number of persons who, during the past three years, completed apprenticeships in each craft while employed by your firm.

5 points if one or more persons completed an approved apprenticeship while employed by your firm.

0 points if no persons completed an approved apprenticeship while employed by your firm.

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38. At any time during the last five years, has your firm been found to have violated any provision of California apprenticeship laws or regulations, or the laws pertaining to use of apprentices on public works?

NOTE: You may omit reference to any incident that occurred prior to January 1, 1998 if the violation was by a subcontractor and your firm, as general contractor on a project, had no knowledge of the subcontractor's violation at the time they occurred.

☐ Yes ☐ No.

If yes, provide the date(s) of such findings, and attach copies of the Department's final decision(s).

If your firm's average gross revenues for the last three years was less than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating either 1 or 2 such instance.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

If your firm's average gross revenues for the last three years was more than \$50 million, scoring is as follows:

5 points for either "No," or "Yes" indicating no more than 4 such instances.

3 points for "Yes" indicating either 5 or 6 such instances.

0 points for "Yes" and more than 6 such instances.

Score = 38/53 to pass

Part II (D) General Contractor Requirements

39. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, were any stop payment notices filed on the projects?

☐ Yes ☐ No

If "yes," provide a written description of each such stop payment notice indicating the amount of the claim and resolution, including if such claim resulted in litigation. If any claims resulted in litigation contractor shall also provide the applicable case numbers.

5 points for either "No," or "Yes" indicating either 1 or 2 such instances.

3 points for "Yes" indicating 3 such instances.

0 points for "Yes" and more than 3 such instances.

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[INSERT PROJECT NAME]
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39. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, did any project have change orders resulting in an increase in the final contract price in excess of *[Insert Project Specific Percentage %]* over the original contract value?

☐ Yes ☐ No

If "yes," provide a written summary of the total percentage of change orders for each such project including a description of the cause of the relevant change orders.

5 points for "No".

3 points for "Yes" indicating 1 or 2 such instances.

0 points for "Yes" and 3 or more such instances.

40. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, was any project completion date more than *[Insert Project Specific Number of Days]* days beyond the original contract completion date?

☐ Yes ☐ No

If "yes," provide a written description each such project including the cause of the relevant delay.

5 points for "No".

3 points for "Yes" indicating 1 or 2 such instances.

0 points for "Yes" and 3 or more such instances.

41. **[FOR GENERAL CONTRACTORS ONLY]** For the construction projects provided by the contractor in response to Part III below, was any project subject to an investigation by the Department of Industrial Relations/Division of Labor Standards Enforcement for any alleged violations of the California Labor Code by the contractor?

☐ Yes ☐ No

If "yes," provide a written summary of each such investigation, including the result and any civil wage and penalty assessments issued.

5 points for "No".

3 points for "Yes" indicating 1 such instances.

0 points for "Yes" and 2 or more such instances.

Score = 14/20 to pass if applicable



Received by the BHUSD Board of Education
September 26, 2023

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Score Recap:

Part II(B): History of Business and Organizational Performance _____

Section II(C): Compliance with Occupational Safety, Worker Comp,
Prevailing Wage and Apprenticeship Laws _____

Part II (D) General Contractor Requirements (if applicable) _____

Recommendation:

Pre-Qualify Bidder _____ No to Pre-Qualify Bidder _____

Reviewer: _____ Date: _____

Reviewer: _____ Date: _____

Reviewer: _____ Date: _____



APPENDIX I

BHUSD Facilities Master Plan

An update to the Facilities Master Plan is in progress and will be added upon approval by the BOE.