BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

Construction & Facilities Department Policies & Procedures Manual

Received by the Board of Education on October 26, 2021

Update to Section 3 - STRATEGIC AND LONG-RANGE FACILITIES MASTER PLAN IMPLEMENTATION UPDATE Presented to Board of Education April 26, 2022

CONSTRUCTION & FACILITIES DEPARTMENT
POLICIES AND PROCEDURES MANUAL
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Section 1

INTRODUCTION

SECTION 1

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.

As of August 27, 2021, Combined Revenue from Measure E was $369,818,296. The major projects the Board of Education (BOE) has approved to be funded by Measure E have been completed or are under construction.

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.

As of August 27, 2021, Combined Revenue from the first issuance of Measure BH, $160 M, was $162,589,582. $225M in the amount of authorized bonds remain to be sold.

On October 9, 2018, the Board of Education 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 and updated no less than every three years to reflect implementation of the Master Plan and changes over time. Because of the maturity of the bond program, this manual emphasizes the construction phase of the bond program. Implementation of the Master Plan requires assistance from District departments, particularly, Accounting, Purchasing, Maintenance and Operations, and Instructional Technology.

The manual was prepared for the District by Team Concept Development Services, Inc. (TCDS) with input from District staff in response to Recommendations for Improvement in the 2016-17 Bond Performance Audit. On July 17, 2017, the BOE contracted with TCDS as owner's representative (Bond Manager) for all aspects of the bond program.

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

A list of acronyms used in bond program management and project administration is included 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, Instructional Technology personnel and Bond Management Team.

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

Section 3

STRATEGIC AND LONG-RANGE FACILITIES MASTER PLAN IMPLEMENTATION UPDATE

EXECUTIVE SUMMARY

A. PREFACE
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E. HISTORY OF MASTER PLANNING IN BHUSD
F. REALITY IN 2017
G. FEBRUARY 2018 MASTER PLAN UPDATE
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    2. Project scopes
    3. Revenue from bond less than "future funding"
    4. Evolving regulatory mandates (e.g. DTSC; DSA; CalGem)
    5. Hawthorne Auditorium on hold
    6. MTA eminent domain lawsuit
    7. MTA subway construction causing the redesign of Building C
    8. A full spectrum security program developed
    9. World experienced Covid-19 pandemic with supply chain disruption and labor shortages
    10. Venoco site flooded
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J. HOW HAVE THOSE CHANGES AFFECTED BUDGETS?
K. PROJECT UPDATES
L. CURRENT PROJECTS ESTIMATED SCHEDULES
M. PROJECTED CASH FLOW FOR MAJOR PROJECTS
N. HOW MUCH MONEY IS LEFT?
O. REMAINING PROJECTS
P. REMAINING PROJECTS WITH ESCALATION
Q. VARIABLES
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TEAM CONCEPT DEVELOPMENT SERVICES, INC.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

MASTER PLAN UPDATE
EXECUTIVE SUMMARY

21 OCTOBER 2021

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY

The District's Strategic and Long-Range Facilities Master Plan was adopted by the Board of Education in 2012.

The Board's vision then, as it is now, was to provide modernized facilities to support the instructional program.

Those facilities would be seismically sound, with state-of-the art technology and building systems while maintaining the historical character of the buildings and providing safety and security for staff, students and visitors.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

In 2017, five years after adoption of the Master Plan and nine years after the passage of the Measure E bond measure, $750 Million in projects had been designed and submitted to the Division of the State Architect (DSA) for approval at a time when the District had bonding authority of $334 Million.

By July, 2017, $189 Million had been spent; one new building had been constructed at Horace Mann School for $48 Million and an existing building at Horace Mann School was undergoing modernization, final cost of which would be $29 Million. Which means, the District invested $112 Million primarily in consulting fees, architectural fees, and legal fees.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

- Many other buildings in the District were boarded up with most of the students learning in portable classrooms
- MTA was planning to extend its subway under the high school
- The District was pursuing a lawsuit against MTA challenging MTA's eminent domain process
- 19 active oil wells on the high school were now the District's responsibility as a result of Venoco's bankruptcy
- Seven legacy wells needed to be located and abandoned to CalGem standards
- Mass shootings were haunting America's schools
- $145 Million was left in Measure E.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

On July 17, 2017, the District contracted with Don Blake, Team Concept Development Services, Inc., (TCDS) to salvage the building program.

In February 2018, TCDS presented an update to the District's Master Plan that ***contemplated:***

Using the balance of Measure E funding of $145M

- Plus State Seismic Mitigation Program (SSMP) funding of$6.6M
- Plus developer fees of $6.8M
- Plus projected SSMP of $18.8M; and
- Securing future funding of $385.5M

For a total of $568.9M to fund the building program. The February 2018 update also outlined the projects that were to be completed by 2029.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

The following conditions were ***not contemplated*** in February, 2018:

- Board priorities, e.g., Hawthorne Auditorium modernization on hold
- MTA subway construction which caused the redesign of Building C
- MTA subway construction hit two oil wells which had to be abandoned to current standards
- District developed and implemented a full spectrum security program
- Swim gym was renovated
- DTSC requirements evolved as soil conditions are uncovered
- DSA required upgrades from modernization to full seismic retrofit projects
- District reconfigured from K-8 model to a K-5/middle school model

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

The following conditions were ***not contemplated*** in February, 2018:

- Unprecedented escalating market prices replaced most budget estimates
- Accelerated schedules with an earlier end date of **2025 in lieu of 2029**
- Some project scopes were expanded; some were down-sized; some were eliminated
- Seven legacy wells had to be located and abandoned to CalGem current standards
- A worldwide pandemic disrupted supply chains and caused labor shortages
- A water leak flooded the former Venoco site.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

Those changes impacted the budgets for the projects. For Measure E, the impact has added $26,578,390 to the 2018 budgets.

In Measure BH, the 2018 budget was reduced by $17,515,208, for a consolidated budget increase of $9,063,222. All of the changes have been approved by the Board of Education.

The revenue projections have also changed since 2018 with the effect on consolidated revenue of an increase of $17,488,620.

Substantial progress has been made on the projects since February, 2018.

HORACE MANN ELEMENTARY SCHOOL

FEB 2018	OCT 2021
Building A—Finish I.T and A.V. C	Building A—Finish I.T and A.V. C
NOT STARTED	***COMPLETED***
Phase 4 Site Improvements	Phase 4 Site Improvements
NOT STARTED	***COMPLETED***
Building A Roofing	Building A Roofing
NOT STARTED	***COMPLETED***
Chiller Replacement	Chiller Replacement
NOT STARTED	***COMPLETED***
Reconfiguration and related projects	Reconfiguration and related projects
NOT STARTED	***COMPLETED***

BEVERLY VISTA MIDDLE SCHOOL

FEB 2018	OCT 2021
ADA Drop Off	ADA Drop Off
NOT STARTED	***COMPLETED***
Site Improvements	Site Improvements
NOT STARTED	***COMPLETED***
Reconfiguration and related projects	Reconfiguration and related projects
NOT STARTED	***COMPLETED***

HAWTHORNE ELEMENTARY SCHOOL

TEAM CONCEPT DEVELOPMENT SERVICES, INC.

FEB 2018	OCT 2021
Auditorium	Auditorium
ON HOLD	***ON HOLD***
Reconfiguration and related projects	Reconfiguration and related projects
NOT STARTED	***COMPLETED***

EL RODEO ELEMENTARY SCHOOL

FEB 2018

Modernization of Buildings A, B, C & D & E

AT DSA FOR APPROVAL

Site Improvements

AT DSA FOR APPROVAL

OCT 2021

Modernization of Buildings A, B, C & D & E

UNDER CONSTRUCTION 40% COMPLETE

Site Improvements

UNDER CONSTRUCTION 40% COMPLETE

BEVERLY HILLS HIGH SCHOOL

FEB 2018	OCT 2021
B1/B2 MODERNIZATION	B1/B2 MODERNIZATION
AT DSA FOR APPROVAL	***COMPLETED***
B3/B4 MODERNIZATION	B3/B4 MODERNIZATION
AT DSA FOR APPROVAL	***UNDER CONSTRUCTION 40% COMPLETE***
Building C/Aquatic Center	Building C/Aquatic Center
DESIGN W/3 LEVEL PARKING AT DSA	***REDESIGN W/1 LEVEL PARKING AT DSA***
SOUTH SITE IMPROVEMENT W/RETAINING WALLS	SOUTH SITE IMPROVEMENT W/RETAINING WALLS
IN DESIGN	***AT DSA FOR APPROVAL***
PARKING PROJECT	PARKING PROJECT
CONCEPTUAL	***ON HOLD (PENDING LITIGATION)***
BLDG A	BLDG A
ON HOLD (DRAWINGS REMOVED FROM DSA)	***ON HOLD***

OTHER PROJECTS

TEAM CONCEPT DEVELOPMENT SERVICES, INC.

FEB 2018	OCT 2021
Decommission 19 Venoco Oil Wells	Decommission 19 Venoco Oil Wells
PROJECT STARTED	***COMPLETED***
Abandon 2 MTA oil wells	Abandon 2 MTA oil wells
PROJECT NOT STARTED	***COMPLETED***
M & O Facility Relocation	M & O Facility Relocation
SITE LOCATION TO BE DETERMINED	***RELOCATION UNDERWAY***
BHHS Interim Housing	BHHS Interim Housing
OCCUPIED	***REMOVAL UNDERWAY***
El Rodeo Interim Housing	El Rodeo Interim Housing
OCCUPIED	***REMOVED***
Full Spectrum Security Program	Full Spectrum Security Program
DESIGN DEVELOPMENT STAGE	***70% COMPLETE (IMPLEMENTATION PHASE)***

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

As of August 27, 2021, Measure E had an uncommitted balance of $8,168,261. Measure BH had an uncommitted balance of $150,041,024. With projected additional revenue of $20,500,000 that leaves $178,007,289 to fund remaining projects.

The budgets for the remaining projects, adjusted to estimated updated market prices at the time they will be bid total $307,587,687.

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

The ability of the Board of Education to continue to fulfill its commitment to the voters of BHUSD hinges on several variables:

- What will we find when we dig the footings for BHHS Bldg C?
- How much reengineering will be required for the retaining walls to comply with DSA and DTSC?
- What will happen with market conditions? Will 22% be the number going forward or could it be more?
- How long will supply chain disruption and labor shortages continue?

BEVERLY HILLS
UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

EXECUTIVE SUMMARY (CONT)

The question is this: How far do we go in continuing the sequencing of the following BHHS South site improvements?

- Obtaining DTSC clearance
- Obtaining CalGem clearance by abandoning the three legacy wells
- Building retaining walls
- Starting construction on Bldg C and dealing with soil conditions as they come
- Once Bldg C can be occupied, moving programs and demolishing Konheim while keeping the Swim Gym operational
- Building out athletic fields
- Realizing that once construction starts on the retaining walls, the BHHS site will be significantly more disrupted
- Not all of these components can be completed with current funding.

Q. VARIABLES

Possible Additional Revenue	Additional Cost/Time
El Rodeo SSMP	Construction of Bldg C – What else do we find in the dirt when we start digging? Retaining Walls Sequencing Demolition of Konheim and construction while keeping swim gym operable DTSC Requirements on BHHS Site Legacy Wells – If required to abandon to CALGEM standards
Eminent Domain – legal fee reimbursement	
	Soils Condition
	Reengineering – DSA requiring more robust structures
	DTSC evolving requirements, e.g. if we dig a trench, can we use the dirt elsewhere on the site or does it need to be hauled away?
	Venoco cleanup from water spill
	Market Conditions. Supply Chain Disruption Labor Shortages 22% Cost Increase – additional 20% for 24 months

FINANCIAL RECAP

Uncommitted Funds: $178,007,289

Cost Estimates for Remaining Projects: ($307,587,687)

Total : (129,580,398)

N. HOW MUCH MONEY IS LEFT?

Measure E

Revenue as of 8-27-2021	$369,818,296
Commitments as of 8-27-2021	($361,650,035)
Remaining Balance	$8,168,261

Measure BH

Revenue as of 8-27-2021	$162,589,582
Unsold Bonds	$225,000,000
Total Revenue	$387,589,582
Commitments as of 8-27-2021	($237,548,558)
Remaining Balance	$150,041,024

HOW MUCH MONEY IS LEFT (CONT)

Combined Revenue

Combined Revenue		$757,407,878
Combined Commitments at 8-27-2021		($599,193,593)
Uncommitted Balance		$158,214,285
Commitments to 10-21-2021		
Measure E		($82,975)
Measure BH		($624,021)
Uncommitted Balance		$157,507,289
Projected Additional Revenue		
SSMP (B3B4)	$16,000,000	
Interest (E)	$1,000,000	
Interest (BH)	$3,500,000	$20,500,000
		178,007,289

O. REMAINING PROJECTS

	Current Price
El Rodeo Final PGMP 7	$6,707,238
BHHS B3 B4 Final PGMP	?

	February 2018 Budget	22% Escalation to 2021
Bldg C & Aquatic Center	$74,841,760	$91,306,947
BHHS South Site Improvements	$63,240,000	$56,652,800
South Site Underground Utilities	N/A	$13,500,000
South Site Design and Engineering • Retaining Walls • Ball Field • Perimeter Fencing	N/A	$ 7,000,000
Venoco Restoration	N/A	$ 7,490,000
Legacy Wells	N/A	$32,100,000
	$138,306,947	**$214,756,985**

P. REMAINING PROJECTS WITH ESCALATION

	Current Prices	20% Escalation to 2023	10% Escalation to 2024
Bldg C & Aquatic Center	N/A	$109,568,336	$120,525,170
			Current Cost Estimate
Remaining South Site Improvements		$ 67,983,360	$ 99,500,000
South Site Underground Utilities (Authorized)	$ 13,500,000	N/A	N/A
South Site Design and Engineering • Retaining walls • Ball Fields • Perimeter Fencing	$ 7,000,000	N/A	N/A
			10% Escalation to 2024
Venoco Restoration	$ 7,000,000	$ 8,400,000	$ 9,240,000
Legacy Wells	$ 32,100,000	$ 38,520,000	$ 42,372,000
Sub-Total		$249,071,696	$271,637,170
10% Contingency		$ 24,907,170	$ 27,163,717
TOTAL	**$59,600,000**	**$273,978,866**	**$298,800,887**

MEASURE BH BUDGET ADJUSTMENTS TO INCREASE BUDGETS BASED ON BOARD AUTHORIZATION AND DECREASE BUDGETS PENDING BOARD DIRECTION ON FUTURE PROJECTS

GOAL	DESCRIPTION	BUDGET INCREASE (DECREASE)	
91608	Building C	($102,546,511)	
91609	South Site	($ 68,143,216)	
91701	Legacy Wells	($ 20,410,582)	
91702	MTA Oil Wells	($ 306,942)	
91604	BHHS B3/B4	$ 8,484,604[1]	Final PGMP
91604	BHHS B3/B4	$ 12,000,000	Cost to Complete
91200	El Rodeo	$ 5,900,000[2]	Cost to Complete
91703	Venoco Restoration	$ 312,000	Cost to Complete
91000	Facilities & Planning	$ 4,200,000	Cost to Complete through 12/2024
		($160,510,647)	
Current BH Budget		$477,086,854	
Adjusted BH Budget		$316,576,207	

1. PGMP $23,456,658; $14,972,054 already budgeted
2. Cost to complete $9,900; $4,000,000 already budgeted

BUDGET ADJUSTMENTS Continued

Revenue BH	$387,276,646	
Projected Additional Revenue	$ 18,888,940	$406,165,586
Adjusted Measure BH Budget		($316,576,207)
Balance Remaining for BOE Decisions		$ 89,589,379

BOND PROGRAM REVENUE

	Reported 3/22/2022 Financial Data 1/25/2022:	4/26/2022 – Financial Data 3/15/2022:
Measure E	$369,886,736	$369,701,779
Measure BH	$387,678,360	$387,276,646
	$757,565,096	$756,978,425
Projected Future Revenue		
SSMP B3B4	$ 16,000,000	$ 16,000,000
Interest	$ 4,500,000	$ 2,888,948
TOTAL	**$778,065,096**	**$775,867,373**
Current Contractual Obligations	($615,102,738)	($631,554,315)[1]
BALANCE OF AVAILABLE REVENUE	**$162,962,358**	**$144,313,058**
Board approvals 3/22/2022 and 4/5/2022		($ 28,311,679)[2]
		$116,001,379

1. Includes $4,539,852 B1/B2 savings to B3/B4
2. BOE approved 1/25/2022 – 3/15/2022

MASTER PLAN UPDATE PRESENTED TO THE
BOARD OF EDUCATION ON APRIL 26,2022

ESTIMATED COST TO COMPLETE

	3/22/2022:	4/26/2022:
El Rodeo School		
FF&E	($ 5,000,000)	($ 5,000,000)
HMC Trueup	($ 4,400,000)	*Approved $4,449,516 on 3/22/2022*[1]
Project Admin.	($ 4,500,000)	($ 4,500,000)
DSA Trueup	($ 400,000)	($ 400,000)
	($14,300,000)	($ 9,900,000)
B3B4		
FF&E	($ 2,500,000)	($ 2,500,000)
Final PGMP	($21,000,000)	*Approved $23,456,658 on 4/5/2022*[1]
DLR Trueup	($ 3,000,000)	($ 3,000,000)
Project Admin.	($ 6,000,000)	($ 6,000,000)
DSA Trueup	($ 500,000)	($ 500,000)
	($33,000,000)	($12,000,000)
Venoco Restoration		
ARB	($ 7,205,374)	*Approved $5,247,600 on 1/18/2022*[1]
WZI	($ 200,000)	($ 200,000)
DTSC	($ 100,000)	($ 100,000)
Project Admin.	($ 12,000)	($ 12,000)
	($7,517,374)	($ 312,000)
Program Admin. (12/2024)	($4,200,000)	($4,200,000)
TOTAL	**($59,017,374)**	**($26,412,000)**

1. Accounted for in contractual obligations

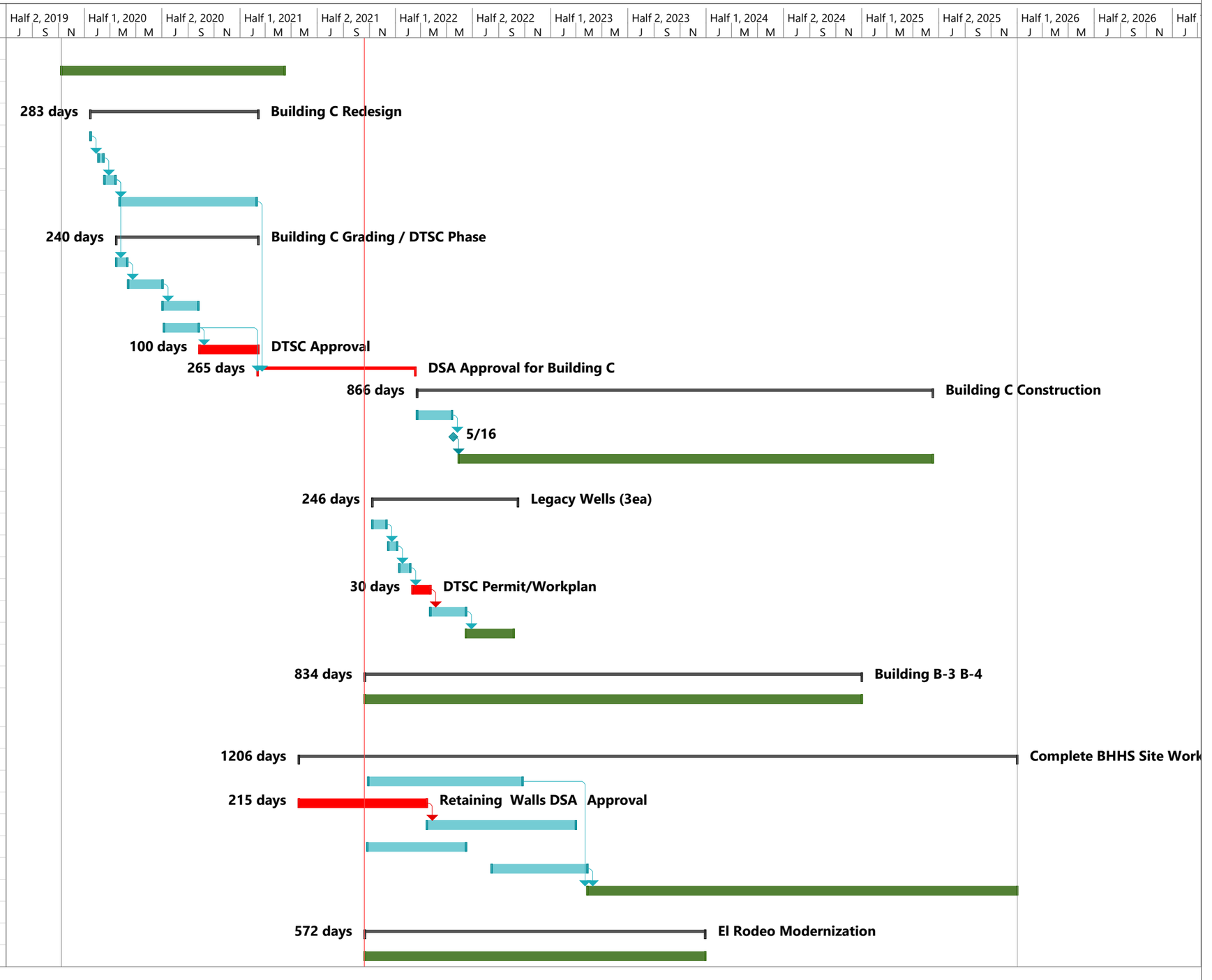
ESTIMATED FUNDS AVAILABLE FOR BOARD DECISIONS

	3/22/2022	4/26/2022
BALANCE OF AVAILABLE REVENUE	$162,962,358	$116,001,379
TOTAL ESTIMATED COST TO COMPLETE	($59,017,374)	($26,412,000)
ESTIMATED FUNDS AVAILABLE FOR BOARD DECISIONS	$103,944,984	$ 89,589,379
CONTINGENCY (10%) on Cost to Complete	($ 5,901,737)	($ 2,641,200)
	$ 98,043,247	$ 86,948,179

Wed 10/20/21

Currrent Projects Estimated Schedules

ID	Task Name	Start	Finish
1			
2	**B1/B2 Remaining Construction**	Fri 11/8/19	Thu 4/15/21
3			
4	**Building C Redesign**	**Wed 1/15/20**	**Fri 2/12/21**
5	Bldg. C ATP to Redesign	Wed 1/15/20	Wed 1/15/20
6	Analyze Parking Level Options	Mon 2/3/20	Fri 2/14/20
7	Finalize Design/Parking	Mon 2/17/20	Fri 3/13/20
8	Prepare Revised Construction Documents	Tue 3/24/20	Mon 2/8/21
9	**Building C Grading / DTSC Phase**	**Mon 3/16/20**	**Fri 2/12/21**
10	Geotech and Hazmat Survey	Mon 3/16/20	Fri 4/10/20
11	Civil Plan Development	Mon 4/13/20	Thu 7/2/20
12	DTSC Permit Development	Fri 7/3/20	Thu 9/24/20
13	Construction Grading Documents	Mon 7/6/20	Fri 9/25/20
14	DTSC Approval	Mon 9/28/20	Fri 2/12/21
15	**DSA Approval for Building C**	**Thu 2/11/21**	**Wed 2/16/22**
16	**Building C Construction**	**Mon 2/21/22**	**Mon 6/16/25**
17	Competitive Bidding for LLB	Mon 2/21/22	Fri 5/13/22
18	Notice to Proceed	Mon 5/16/22	Mon 5/16/22
19	Budgeted Constriction Duration	Mon 5/30/22	Mon 6/16/25
20			
21	**Legacy Wells (3ea)**	**Mon 11/8/21**	**Sat 10/15/22**
22	Investigate/Locate wells	Mon 11/8/21	Fri 12/10/21
23	Test for Emissions	Wed 12/15/21	Tue 1/4/22
24	Develop Remediation Plan	Mon 1/10/22	Fri 2/4/22
25	DTSC Permit/Workplan	Thu 2/10/22	Wed 3/23/22
26	Competitive Bidding	Thu 3/24/22	Wed 6/15/22
27	Well Remediation (construction)	Thu 6/16/22	Wed 10/5/22
28			
29	**Building B-3 B-4**	**Thu 10/21/21**	**Tue 12/31/24**
30	Current Schedule (Pending Finial PGMP)	Thu 10/21/21	Tue 12/31/24
31			
32	**Complete BHHS Site Work**	**Wed 5/19/21**	**Wed 12/31/25**
33	Utility Modernization	Fri 10/29/21	Wed 10/26/22
34	Retaining Walls DSA Approval	Wed 5/19/21	Tue 3/15/22
35	Retaining Walls	Wed 3/16/22	Tue 2/28/23
36	Venoco Restoration	Wed 10/27/21	Wed 6/15/22
37	Site Work DSA Approval	Mon 8/15/22	Mon 3/27/23
38	Site Work	Tue 3/28/23	Wed 12/31/25
39			
40	**El Rodeo Modernization**	**Thu 10/21/21**	**Fri 12/29/23**
41	Current Schedule	Thu 10/21/21	Fri 12/29/23



A. PREFACE

For Fiscal Year 2020-21, the Board of Education (BOE) added evaluation of the Master Plan to the annual bond performance audit. The document the auditors reviewed was the February 2018 Master Plan, which was an Implementation Plan for the District's 2012 Strategic and Long-Term Facilities Master Plan as it had evolved over six years.

The auditors presented the following recommendations:

1. BHUSD should continue efforts to ensure defined and documented processes are in place for master planning, including when to utilize the procedures, who is responsible for each activity from the District, and procedures for final approval.

2. Documentation requirements for any Master Plan changes from the original approved documents should include, but not be limited to, information surrounding the proposed change, basis for change, estimated cost impact, estimated schedule impact, and associated cash flow timelines, and change initiator and approver.

3. Master Plan reporting should include a summary level Project Stages Report with dates of key milestones achieved and estimated dates of key milestones to be achieved.

4. Appropriate and relevant narrative should be maintained and reported to key stakeholders on a regular basis. Deviations should be discussed with BHUSD management and documented accordingly within monthly reporting.

5. Responsibilities should be assigned, and appropriateness of the policies and procedures should be evaluated on an ongoing basis.

In response to the audit recommendations and the timeline in the Construction and Facilities Department Policies and Procedures Manual, this update to the Implementation Plan for the Beverly Hills Unified School District's Strategic and Long-Term Facilities Master Plan has been prepared.

When Measure E and Measure BH bond funds are fully expended, the District will continue to have facilities needs, for which it will need a new Master Plan. Examples of those needs would be modernization of Beverly Hills High School (BHHS) Building A, Seismic Retrofit and Modernization of Hawthorne School, and parking for Beverly Vista School. Because of market conditions, additional regulatory requirements, supply chain issues, etc., if funds in Measure BH cannot cover the costs of all the projects in the current plan, those projects would also be included in a new plan.

Master Planning Procedures[1]

In 2021, the BOE formed a subcommittee titled Facilities and Construction Committee (FCC). The FCC, with the information provided by the 7-11 Committee, should begin developing recommendations for a new Master Plan. Current demographic studies should be considered as well as classroom counts and supporting instructional areas post modernization of Horace Mann and El Rodeo Schools and BHHS Buildings B1, B2, B3 and B4. A needs assessment should be compiled by the Assistant Superintendent of Business Services based on the District's Deferred Maintenance Plan and current building conditions. The Superintendent should seek input from the school community through surveys and focus groups regarding the community's expectations for its schools, and educational specifications should be revisited by the Assistant Superintendent of Instructional Services in conjunction with the Director of Instructional Technology with the goal that they meet the instructional needs decades into 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.

Document Requirements For Master Plan Changes[2]

Requests to the BOE for Master Plan changes from the original approved documents include information surrounding the proposed change, basis for change, estimated cost impact, and change initiator. These items for changes to the District's major projects are included in the following Update to the Implementation Plan. Cash flow timelines are provided quarterly to District management, or more frequently if requested.

Project Status Reports[3]

A summary level Project Stages Report with dates of key milestones achieved and estimated dates of key milestones to be achieved is included in this Update to the Implementation Plan. Key milestones achieved are also reported to the BOE and the Citizens' Bond Oversight Committee (CBOC) at each respective meeting.

[1] Addresses Objection K Improvement Recommendation No. 1-2020-21 Performance Audit
[2] Addresses Objective K Improvement Recommendation No. 2--2021-21 Performance Audit
[3] Addresses Objective K Improvement Recommendation No. 3--2020-21 Performance Audit

Narratives[4]

Appropriate and relevant narrative is maintained in BOE meeting minutes, CBOC meeting minutes, and FCC meeting minutes as well as being included in each Board agenda item presented for BOE approval. Deviations are discussed with BHUSD management weekly and included in reporting to the BOE, the CBOC, and the FCC.

Responsibilities and Policies and Procedures Evaluation[5]

Within the District's Construction and Facilities Policies and Procedures Manual, responsibilities for master planning are assigned. The appropriateness of the policies and procedures are evaluated on a regular basis but no less than every three years. The responsibilities for Master Planning are also outlined within this document (see Master Planning Procedures above).

B. FACILITIES MASTER PLAN – A DEFINITION

A master plan is a roadmap to guide the District on its journey to provide facilities that will not only support – but will enhance – the instructional program. The reason that a master plan is described as a guide, or a road map, is that inherent in the plan must be flexibility. Flexibility for the BOE to adapt to change. The components of a comprehensive master plan include:

- Community Involvement
  The community is involved to ensure that the master plan includes the community's expectations for their schools and to build support for funding to improve facilities.

- Demographics Study
  A demographics study is conducted to project enrollment by grade level and to understand where the students live and what schools they will attend.

- A Needs Assessment
  A needs assessment is a labor and time intensive process to survey every school room and every mechanical, plumbing, and electrical system in the existing buildings to determine what needs to be repaired or replaced.

[4] Addresses Objective K Improvement Recommendation No. 4-2020-21 Performance Audit
[5] Addresses Objective K Improvement Recommendation No. 5-2020-21 Performance Audit

- 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.

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

C. MASTER PLANNING CHALLENGES

Master planning is always a challenge because a District is looking five to ten years, or longer, into the future and trying to predict:

- What the demographic and programmatic needs will be;

- What the regulatory environment will dictate; and

- 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.

D. MASTER PLANNING CHALLENGES UNIQUE TO BHUSD

Declining Enrollment

Enrollment based on demographic studies is known. It may not be significant for BHUSD because it is a basic aid district with enrollment having little impact on operational educational funding. Declining enrollment, though, may impact program requirements, the size of facilities and the design of the buildings to accommodate these changes.

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

What is underground, the condition of the buildings, their major systems, and the presence of asbestos, lead and seismic issues, are not readily apparent. Major investment in investigation and testing is required to identify them – let alone mitigate them.

Urban Environment

It is known that BHUSD is located in an urban setting with the stresses of a densely populated, congested, busy, noisy and polluted environment but other factors/events would be difficult to predict and their impact on the master plan would be difficult to quantify.

Examples are:

- The potential of a subway being built under the high school.
- The possibility of Metro hitting two oil wells as it tunneled under the high school.
- A requirement to abandon 19 oil wells because the drilling company went bankrupt. Requirements of the Environmental Protection Agency's Department of Toxic Substances Control (DTSC), and CalGem (California Geologic Energy Management Division of the Department of Conservation) to clear the oil well site after abandonment evolve as agencies conduct test after test and study after study – at the District's expense.
- Three additional legacy oil wells on the property that had not been abandoned to current standards.
- The complexity of rebuilding decayed buildings with a full seismic retrofit.
- A saturated public works bidding environment that would result in Division of State Architect (DSA) delays and unrelenting double digit increases in labor and materials cost.
- Facilities planning is always like playing three-dimensional chess with so many variables affecting so many others. But in BHUSD development of the high school south site, planning is more like solving a Rubik's cube. It is a Rubik's cube of obtaining DTSC, CalGem, and DSA clearance to constructing a new building that requires five 28-foot-high retaining walls in contaminated soil and will replace existing buildings some of which must stay on line during construction.
- Reconfiguring the District from K-8 to K-5/middle school.
- A worldwide pandemic that would disrupt supply chains, add months to procurement and lead to costs spiraling upward.

E. HISTORY OF 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 are posted on the District's webpage.

The Introduction to the 2012 Master Plan follows:

"The Beverly Hills School Board is committed to ensuring that all students receive a quality education within safe and secure learning environments. The development of a long-range facility master plan is intended to provide a micro view of the educational facilities that provide the Beverly Hills Unified School District students with equitable, appropriate, flexible, safe, and secure environments.

The purpose of the Long-Range Facility Master Plan is to provide the School Board a 'road map' for future facility needs. The goal is to provide a detailed demographic, building condition analysis and an educational footprint that will prepare the School Board for future facility needs decisions.

The Master Plan provides a list of facility needs, a summary of deficiencies, life-cycle costs, and estimates of construction costs. The plan also identifies new schools, replacements and modernization projects that will require funding to accomplish.

The Long-Range Facility Master Plan consists of new construction, renovations, and modernization of existing school facilities to address future demographic and current condition of facilities. Included are strategies for infrastructure reduction and consolidation of facilities in the District. The Master Plan also outlines the outstanding condition needs of each building. Factors associated and related to the District's policies and regulations have been incorporated where appropriate. In addition to the information contained in this document, there are extensive databases, which have been developed itemizing all the building characteristics, deficiencies, and life cycle needs.

School facility planning is an ongoing process. As projects are completed and new needs are identified the databases associated with this study and the plan itself will need to be updated.

The Long-Range Facility Master Plan is based on policies and identified goals established by the School Board. If existing policies were changed, this plan would need to be modified accordingly.

Specifically, BHUSD is implementing goals set with the confidence of Beverly Hills citizens identified in Measure E. Prompted through the efforts of the District and citizens to create a facility needs document that would identify the deteriorating conditions of existing facilities. This plan updates and in some cases validates findings from that process.

This plan identifies the schedule of projects that Measure E funds. The schedule of projects is prioritized based on several factors that include demographic conditions, physical conditions, educational adequacy, and availability of funding. Planning, design, and construction are estimated based on industry best practices. Alterations to schedules are figured in contingencies, however, in the construction industry variables exist that can change timelines and finance figures.

The projects identified are capital projects, there are however continuing major maintenance needs that will need addressed. Also, due to the length of the schedule, there will need to be reinvestment into new facilities to keep the facility and systems up to date and to ensure maximum life of each facility. These projects typically are categorized as major maintenance and can include systems such as carpet flooring, painting interior spaces, etc."

F. REALITY IN 2017

- Many of the District's school buildings were boarded up;
- Most students were learning in portable buildings;
- MTA was planning to tunnel under the high school;
- 19 active oil wells on the high school site were now the District's to deal with as a result of the Venoco bankruptcy;
- 7 legacy wells to be relocated and abandoned;
- $750M in projects had been designed and submitted to DSA for approval – at a time when the District had $334M in bonding authority in Measure E;
- One school site was in production; and
- $145M was left in uncommitted funds in Measure E

In July 2017, the District hired Team Concept Development Services (TCDS), Don Blake, to manage the bond and salvage the program.

G. FEBRUARY 2018 MASTER PLAN UPDATE

TCDS presented an implementation update to the master plan to the Board of Education on February 18, 2018. At that time, $750M in projects were at DSA awaiting approval when the balance of uncommitted funds in Measure E was $145M.

The document provided in February 2018, titled Facilities Master Plan, was an implementation plan for the 2012 master plan and its subsequent updates given the realities the program faced.

The plan to implement the projects contemplated using:

• the balance of Measure E funding	$145,066,401
• plus interest	$ 6,172,863
• plus State Seismic Mitigation Program (SSMP) funding for Horace Mann	$ 6,547,668
• plus projected SSMP funding for BHHS B1B2 and B3B4	$ 18,825,000
• plus developer fees	$ 6,800,000
• plus future funding	$385,539,077
TOTAL PROJECTED REVENUE	$568,951,009

The 2018 update identified Measure E funded projects, and identified future funding. The following table displays the February 2018 budgets.

FEBRUARY 2018 BUDGETS

	Measure E	Future Funding
Beverly Hills High School		
BHHS B1 B2	$61,850,000	
BHHS B3 B4		$59,202,000
BHHS Interim Housing		$ 816,839
BHHS Bldg C and Pool		$74,841,760
BHHS South Site		$63,240,000
BHHS Parking		$85,536,000
M&O Facility Restoration		$ 4,287,500
El Rodeo		
Bldg A B C D	$80,655,000	
Bldg E		$19,238,024
Site Work		$11,948,000
Elevated Field & Parking		$13,900,000
Interim Housing		$ 717,962

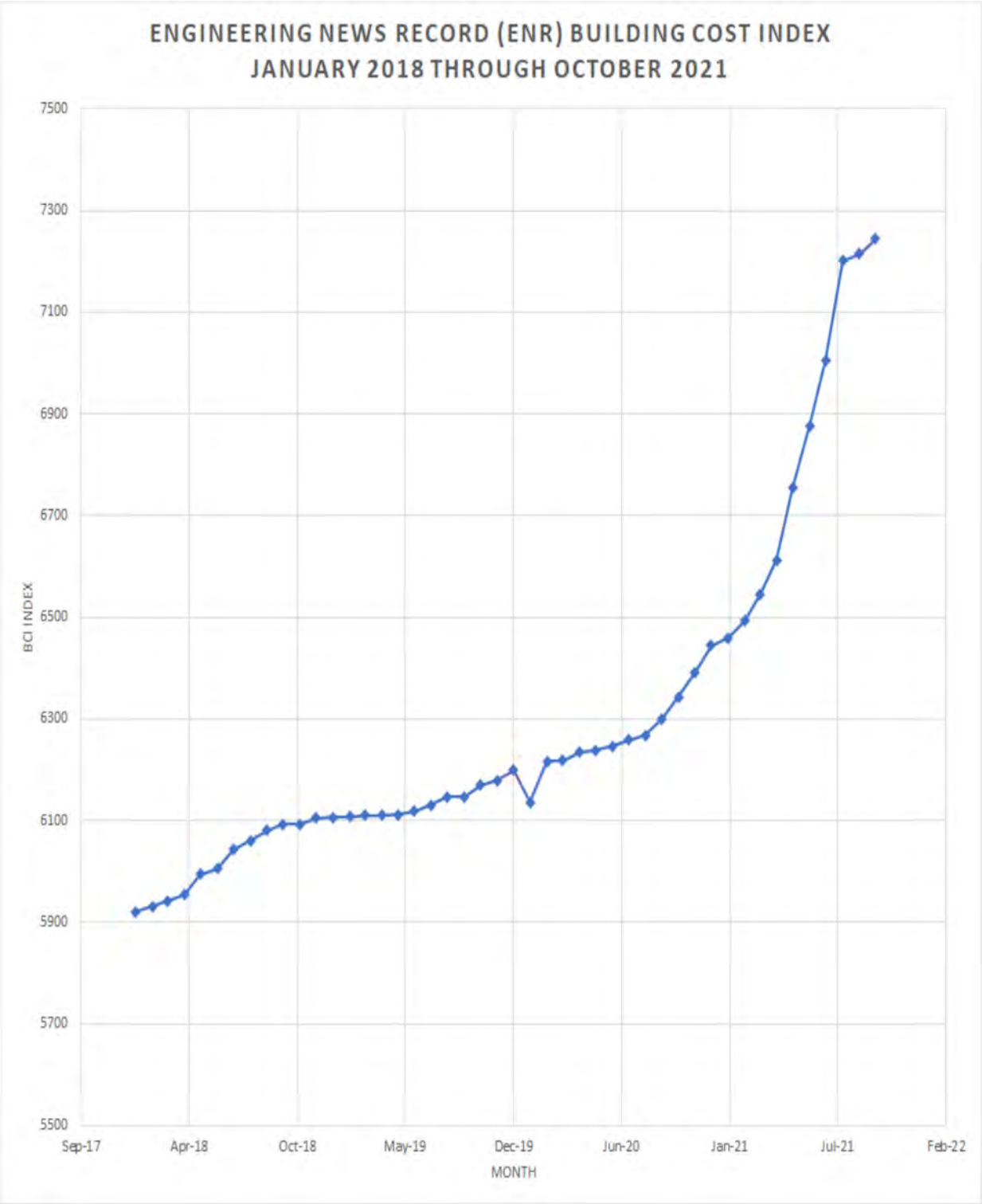
	Measure E	Future Funding
Horace Mann School		
Bldg A Closeout	$1,700,000	
Bldg A Roofing		$ 1,150,000
Phase 4 Site Improvements	$5,315,000	
Chiller Replacement		$ 524,000
Hawthorne School Auditorium		$ 12,370,000
Beverly Vista School		
ADA Dropoff		$ 97,750
Site Improvements		$ 1,725,000
District Support Costs	$1,717,964	$ 10,000,000
Classroom Technology Districtwide	$1,500,000	$ 13,590,000
Oil Well Remediation and Site Repurposing		$ 18,400,000
TOTAL	**$152,737,964**	**$391,584,835**
Contingency	**$ 5,048,968**	**$19,579,242**
TOTAL	**$157,786,932**	**$411,164,077**
COMBINED TOTAL	**$568,951,009**	

H. WHAT HAS CHANGED SINCE FEBRUARY 2018?

1. Market Conditions

From 2018 to date, the construction industry has experienced a 22 percent rise in costs. Because of the COVID-19 pandemic and its effects on the global economy, the industry is projecting at least another 20 percent increase in costs in the next 24 months.

Labor and material prices, complex designs incorporating access control and other defensive design elements, health, technology needs, robust structural specifications and specialized indoor air quality requirements were putting pressure on the delivery of school buildings before the pandemic. The pandemic drastically impacted the construction industry, affecting construction site guidelines with changing state and local regulations emphasizing cleanliness and strict safety protocols. Major delays are occurring because of supply chain disruption, high prices for everything from lumber to steel, and a shortage of construction workers.



22% escalation before any added scope. This percentage increase is expected to continue or even increase over the next 24 months given supply and labor shortages.

2. Project Scopes – some projects were downsized, some expanded, some added; some on hold. The following pages delineate scope changes by project.

a. BHHS B1 B2 Modernization
b. BHHS B3 B4 Modernization
c. El Rodeo Elementary School Modernization
d. Hawthorne Elementary School Auditorium Modernization
e. Bldg C / Aquatic Center – New Construction
f. South Site Improvement
g. BHHS Parking
h. Added Projects
    - Swim Gym Renovation
    - BHHS Bldg A Refresh
    - 7 Legacy wells to be located and abandoned to CalGem standards
    - MTA Rodeo 107 and Wolfskill 23
    - Reconfiguration

3. Revenue from bond less than “future funding” presented

4. Evolving Regulatory Mandates (e.g. DTSC; DSA; CalGem)

5. Hawthorne Auditorium on hold

6. MTA eminent domain lawsuit

7. MTA subway construction causing the redesign of Building C

8. A full spectrum security program developed

9. World experienced Covid-19 pandemic with supply chain disruption; labor shortages

10. Venoco site flooded

2. Project Scope

    a. BHHS B1 B2 Expansion

        1. Security features incorporated into building structure
        2. Full Seismic Retrofit
        3. DTSC Requirements
        4. Added 10 classrooms

The following excerpts from a PowerPoint presentation to the BOE on October 26, 2018 summarize the project scope.

Beverly Hills High School – B1/B2 Modernization & Seismic Upgrade



October 26, 2018

Beverly Hills Unified School District

Beverly Hills High School – B1/B2 Modernization

B1/B2 Modernization and Seismic Upgrade – Project Description

- 10 Multi-Media Classrooms
- Flexible Learning Corridor
- Media Center / Library
- College and Career Centers
- Reading Laboratory
- Independent Study
- ASB Center
- New Administration Center
  - Principals / Vice Principals
  - Counselors
  - Norman Aid Center
  - Health Office
  - Student Resource Office
  - Speech Therapy
  - Psychology
- Security Access Controlled Exterior Doors
- Security CCTV Camera Systems



October 26, 2018 2

Beverly Hills High School – B1/B2 Modernization

B1/B2 Modernization Design and Approval Timeline

- **Initial DSA Design Submission - June 15, 2015**
- **Preliminary DSA Approval - August 31, 2017**
- **Final DSA Approval (Rev #1) - August 17, 2018**



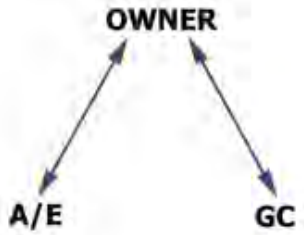
October 26, 2018 3

Beverly Hills High School – B1/B2 Modernization

Lease Lease-Back Project Delivery Method

- Integrated Project Delivery (IPD) – Contractor/Owner/Architect
- Promotes Project Team Collaboration
- Competitive Best Value Contractor Selection Process
- Early Contractor Involvement – Design and Pre-Construction Phase
- Skilled Workforce Requirements
- Allows for the Establishment of a Guaranteed Maximum Price (GMP)





October 26, 2018

Beverly Hills High School – B1/B2 Modernization

Lease Lease-Back Contractor Selection – Fall 2017

- **Request for Qualifications**
  - **Financial Capacity, Bonding and Insurance**
  - **Public Works Construction Experience and References**
  - **Proposed Staff and Staffing Plan**
  - **Proposed Strategic Plan**





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Beverly Hills High School – B1/B2 Modernization

Pre-Construction Phase – Winter 2018

- Site Evaluation
- Existing Structure Evaluation
- Historic Modernization and Seismic Upgrade Review
- DTSC and EIR Requirement Analysis
- Design Drawings and Specification Constructability Reviews
- Design Correction & Coordination with Architectural Team
- Master Project Schedule Development
- Trade Bid Package and Work Scope Development - Bidding Documents



October 26, 2018

Beverly Hills High School – B1/B2 Modernization

Bidding Phase - 1 of 3

- **Phase 3-1A – May 2018**
  - **Work Scope - Survey, Demolition, Erosion Control, Lead Paint Abatement, Micro-piles, Concrete Core & Spall Restoration, Structural Crack Injection, Fiber Reinforced Polymer Composite System, Structural Steel, Metal Decking and Miscellaneous Steel**
  - **# Trade Packages Bid - 10**
  - **Advertisements Posted - 5**
  - **Invites to Bid Issued - 1759**
  - **Prospective Bidder Calls made - 1963**
  - **# Bids Received - 21**
  - **Average Bids per Trade Package – 2.1**
    - **2.7 bids per trade after removing Framing, Concrete and Survey**
  - **Phase 3-1A PGMP (Framing, Concrete & Survey Excluded) $14,358,999**

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Beverly Hills High School – B1/B2 Modernization

Bidding Phase - 2 of 3

- **Phase 3-1B – July 2018**
  - **Rebidding of Concrete, Framing and Survey due to low bidder turn out in Phase 3-1A**
  - **# Trade Packages Bid – 3**
  - **Advertisements Posted – 5**
  - **Invites to Bid Issued – 623**
  - **Prospective Bidder Calls Made - 904**
  - **# Bids Received - 14**
  - **Average Bids per Trade Package - 4.6**
  - **Phase 3-1B PGMP $12,757,463**

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Beverly Hills High School – B1/B2 Modernization

Final Bidding Phase – 3 of 3

- Phase 3-1C - October 2018
- Includes Final Approved DSA Plans and Specifications
  - (Rev#1 Approved August 17, 2018)
- Final Bidding of All Remaining Trades
- Number of Trade Packages Bid – 33
- Advertisements Posted - 5
- Invites to Bid Issued – 4335
- Prospective Bidder Calls Made - 3276
- Number of Bids Received – 135
- Average Bids per Trade Package – 4.09
- Phase 3-1C PGMP $38,786,668

FINAL GMP $65,903,130

FINAL COST 9/30/2021 $61,503,130

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b. BHHS B3 B4

1. Existing conditions did not match documents in theater, choral room and band room.

2. Major DSA upgrade requirements

3. Major additions to Theater

4. 7,887 square feet added

5. Unknowns encountered

The following excerpts from a PowerPoint presentation to the BOE on January 23, 2020 summarize the project scope.

Beverly Hills Unified School District

Master Plan Update for Beverly Hills High School Buildings B3/B4

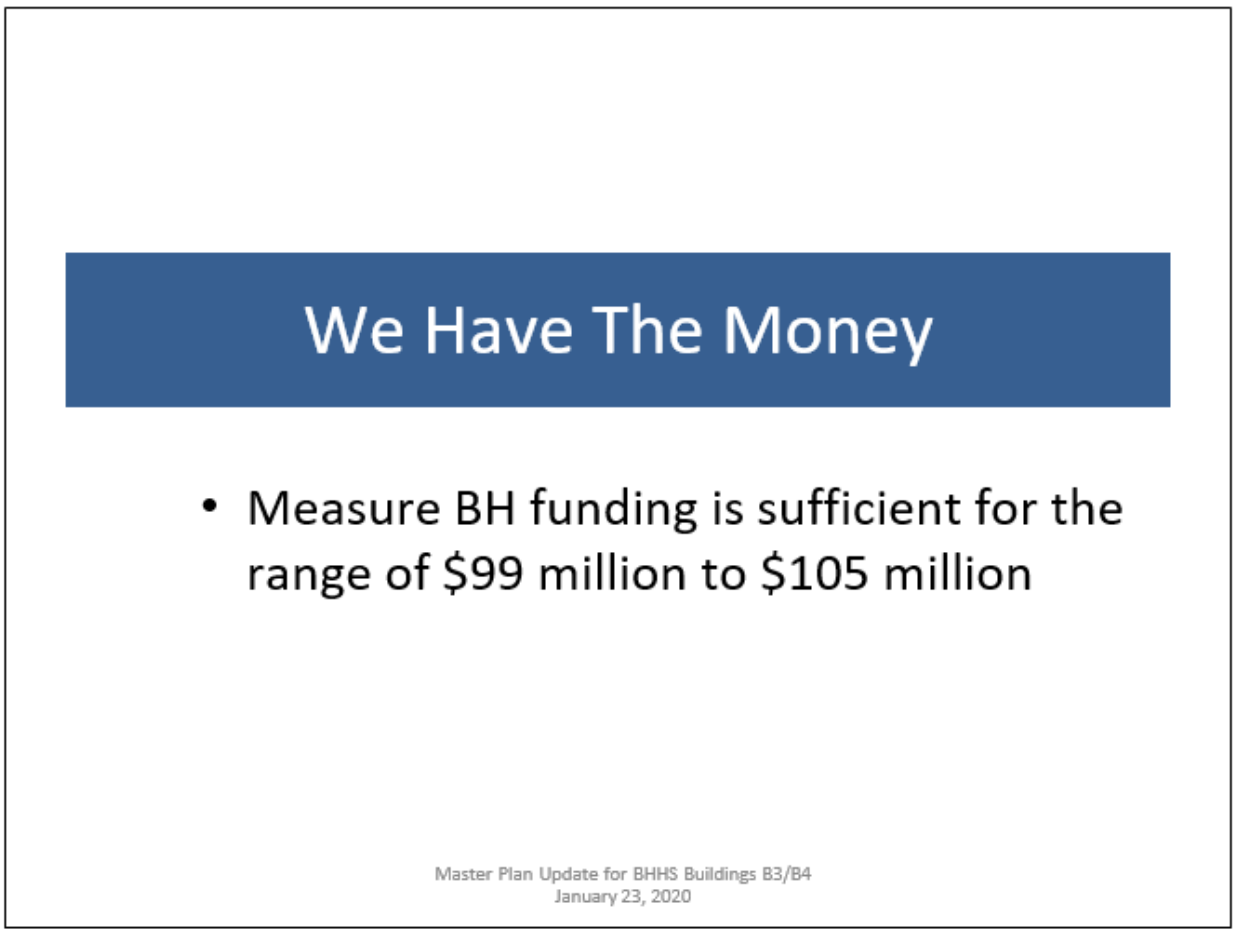
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

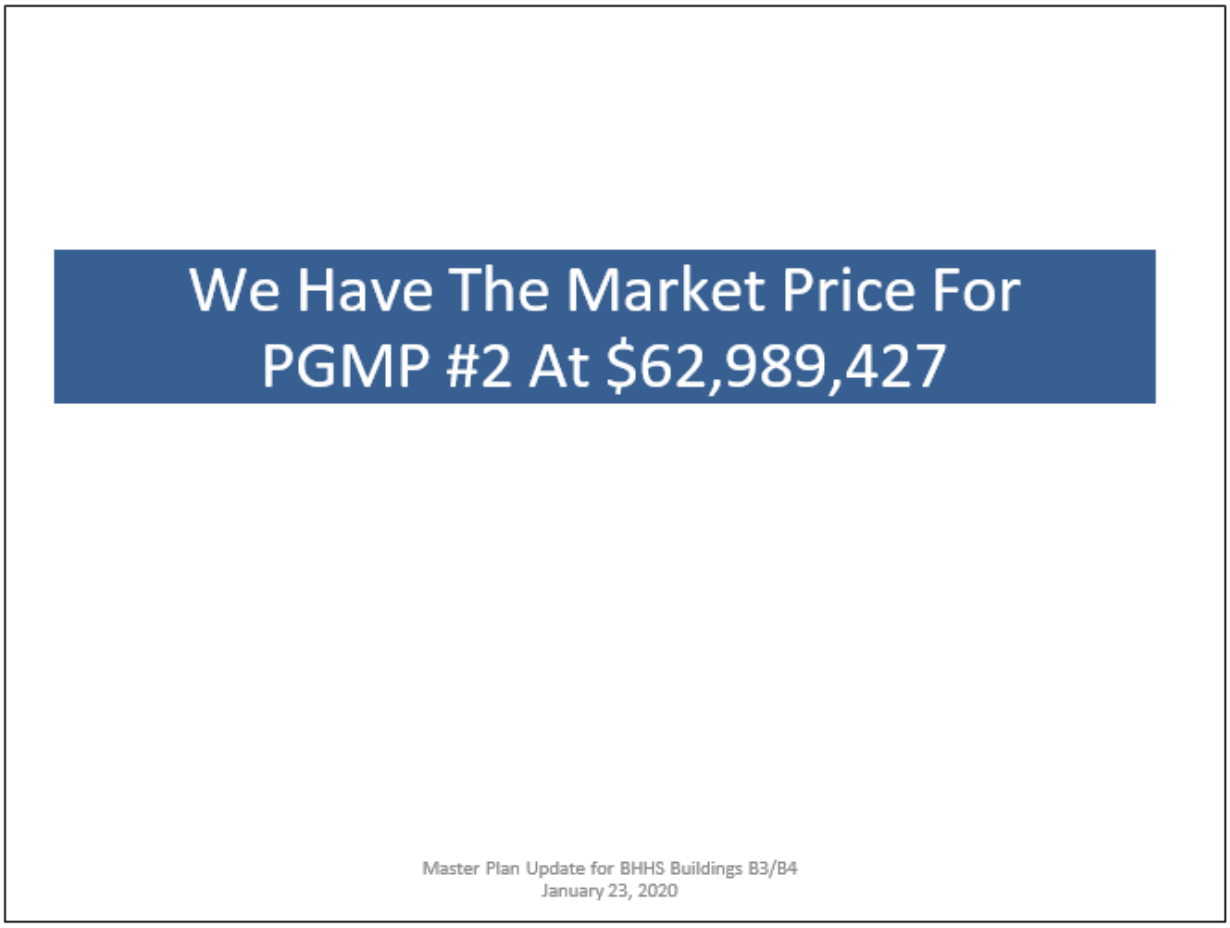

We Are Ready To Go With PGMP #2 For B3/B4
• Pricing is finalized
• Construction is ready to begin
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

We Have The Current Total Budget Estimate For B3/B4 For Construction

- Range $99 million to $105 million

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020


We Have The Money
• Measure BH funding is sufficient for the range of $99 million to $105 million
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020


We Have The Market Price For
PGMP #2 At $62,989,427
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

We Have Inspired Subcontractor Interest

- Number of bid packages: 22
- Invitations sent: 630
- Follow-up calls: 1,237
- Bidder plan electronic downloads: 117
- Job walk attendees: 45
- Actual bids received: 81 (3.6 bid average)

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

We Have Cost Containment

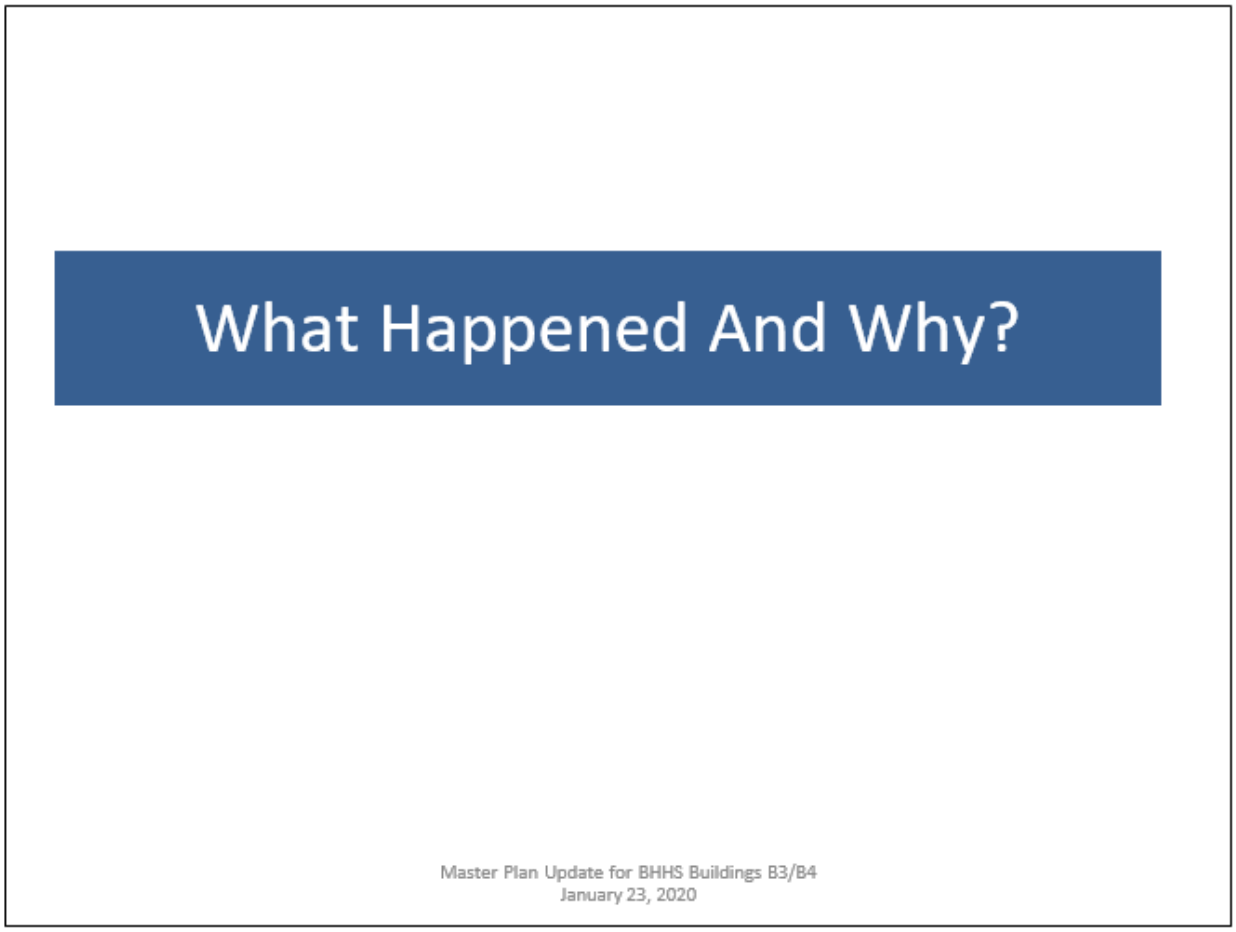
- Clear scopes of work
- Clear communications with subcontractors
- Opportunity to confirm scope and pricing
- Opportunity to include quality control review items
- Best value selection

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

The Original Cost Estimate From September 30, 2016

- By CP O'Halloran
- $34.9 million
- Not based on drawings
- Based on conceptual narrative ONLY
- Assumed a construction start of 2017
- Escalation figured at 4.61% per year
- Based on incomplete scope
- Estimate performed during the end of construction recession

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020


What Happened And Why?
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

Unidentified Scope

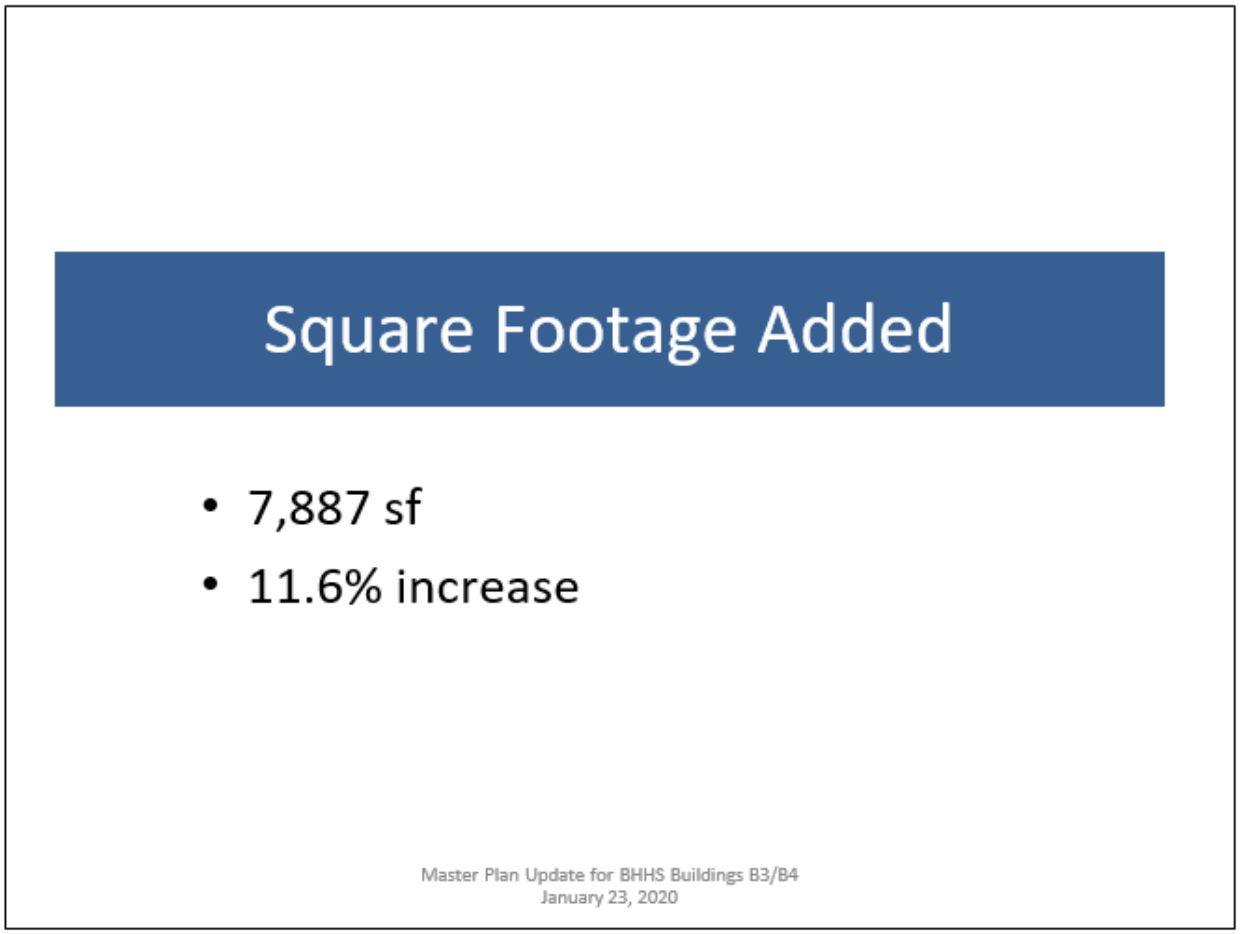
- $11.2 million

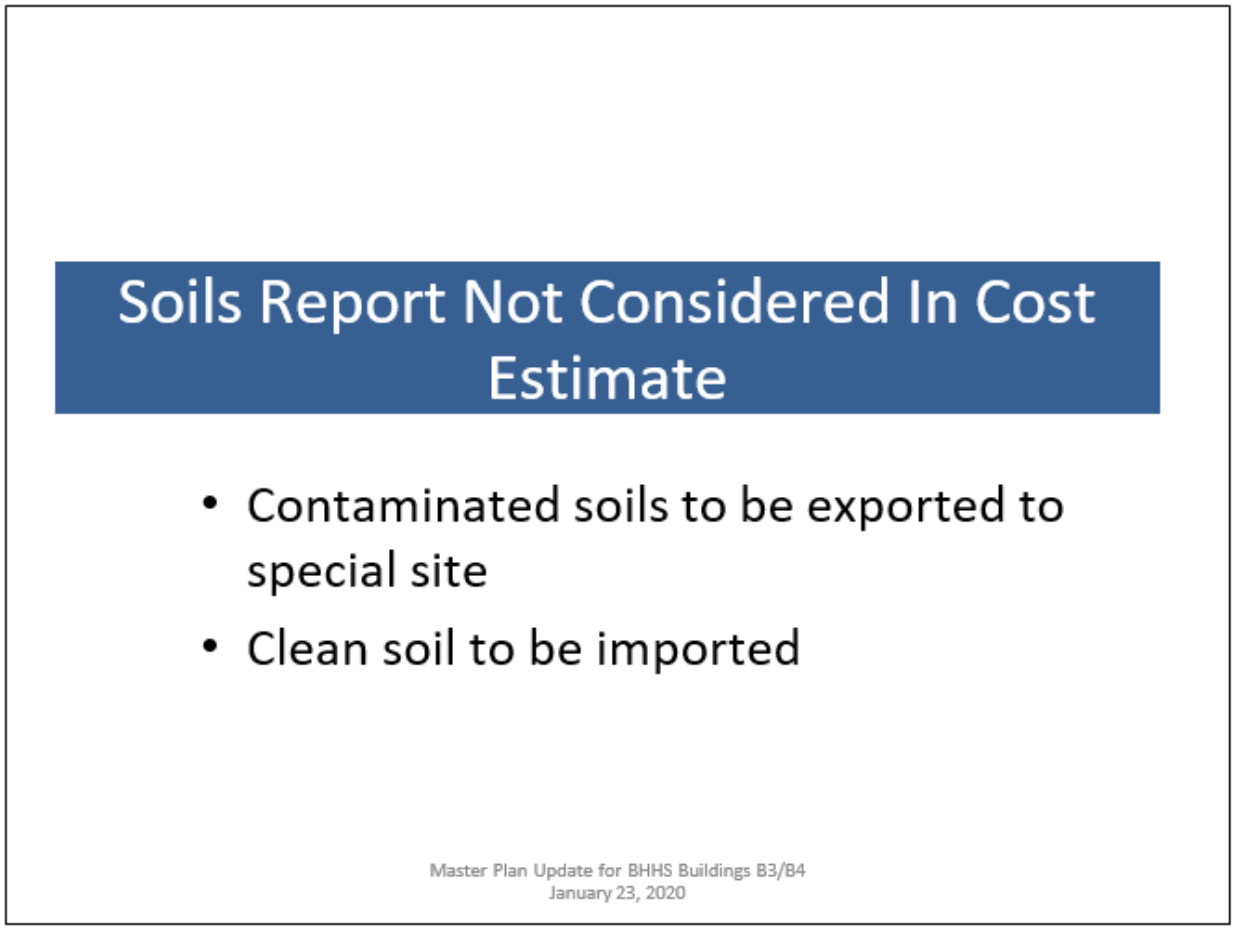
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

Major Scope Increases Including DSA Requirements

- $45 million

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020


Square Footage Added
• 7,887 sf
• 11.6% increase
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020


Soils Report Not Considered In Cost Estimate
• Contaminated soils to be exported to special site
• Clean soil to be imported
Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

Sampling of Unknowns Encountered

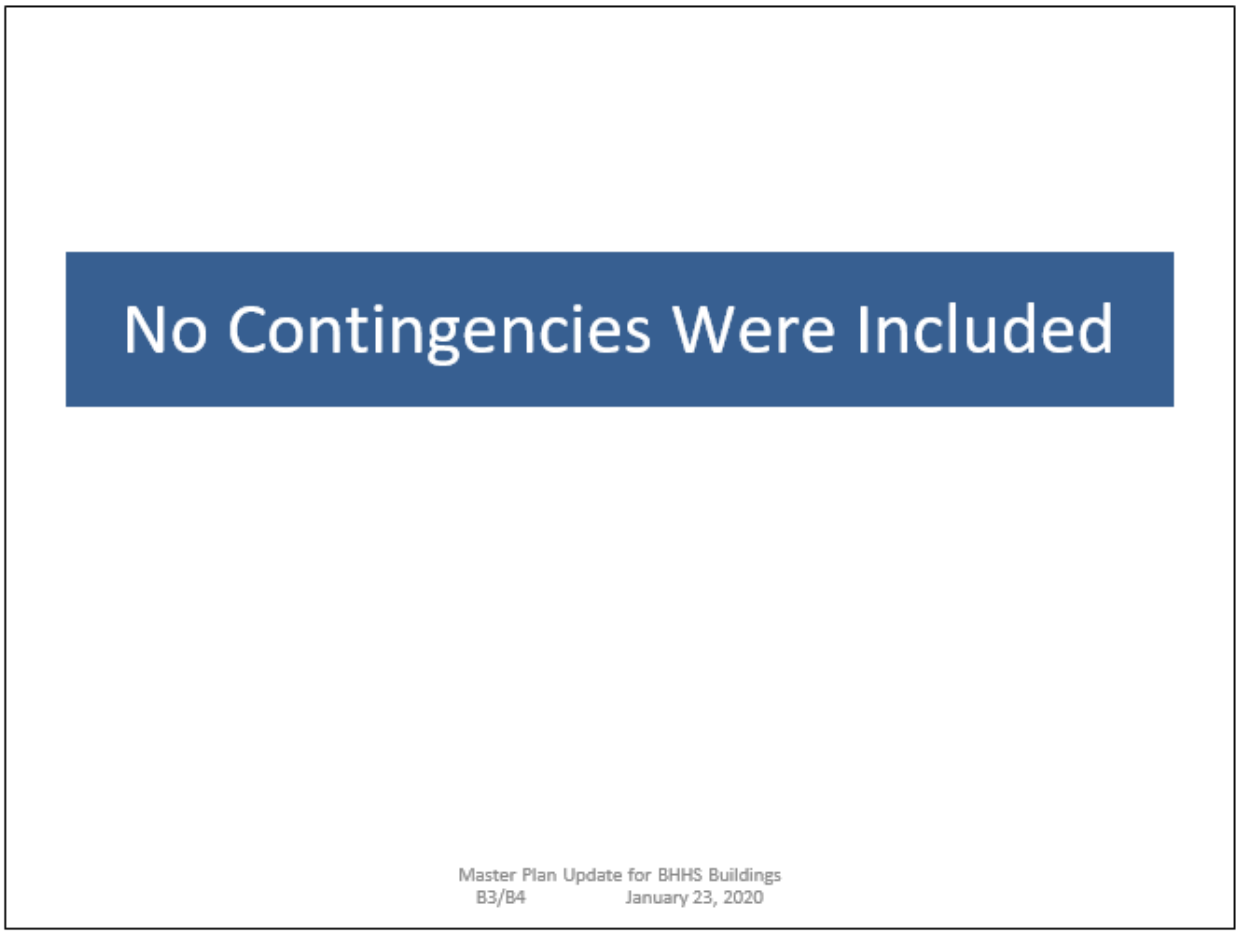
- Auditorium stem walls
- ACM at tunnels under auditorium B3
- ACM at tunnels under lobby area B3
- Hollow clay red block
- North bridge demolition
- Temporary black box
- Concealed "X" bracing removal
- Concealed lead behind plaster walls
- ACM crawl spaces at B4
- New foundation under pinning B3 east wall
- Exterior building signage
- Site improvements

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

Quality Control By Our Team To Eliminate Change Orders

- $5.5 million

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020


No Contingencies Were Included
Master Plan Update for BHHS Buildings
B3/B4
January 23, 2020

Unanticipated Market Conditions And Associated Escalation

- Construction start 2 years later
- Actual escalation of 20% versus 4.61%
- $15 million of missing escalation just on the $34.9 million

Master Plan Update for BHHS Buildings B3/B4
January 23, 2020

Budget Estimate Development Summary

- Original Estimate $34.9 million
- Unidentified scope $11.2 million
- Major scope increases $45 million
- Quality control $5.5 million
- Missing escalation $15 million
  - **Total** **$111,600,000**
- Compared to a range of $99 million to $105 million

Master Plan Update for BHHS Buildings
B3/B4 January 23, 2020

Summary

- We know where we are
- We understand how we got here
- We are on track and ready to go

Master Plan Update for BHHS Buildings
B3/B4 January 23, 2020

Buildings B3/B4 Update
B3 Flow Summary

Building B3:

i. Demo and abatement is 99% complete. Possible new areas as we move through required structural connection issues. Started in June of 2019 and finished in late July of 2020.

ii. Structural progress has focused on (3) main areas of the building:

1. B3 Tower has required numerous revisions to the structural design which could not be determined until the entire structure was exposed for review and coordination between DLR, ProWest and the respective structural subcontractors. The tower alone has resulted in over 14 critical RFIs and a minimum of 2 major Structural CCDs.
2. The main lobby footing located at the south end of the auditorium that spans from the auditorium lobby to into the auditorium itself required a substantial amount of discovery and redesign due to unforeseen existing conditions. This footing alone generated 10 critical RFIs and 6 Structural CCDs. After several weeks of effort and coordination this main footing is scheduled to pour this week.
3. The existing footings located below the stage area (stair ftngs. & pad ftngs.) did not match the as builts so they needed to be redesigned by DLR then revised shop drawings needed to be completed, submitted and approved. This resulted in several RFIs and also a CCD for reconfiguration of the dressing rooms and new restrooms. Still assessing pending revision for additional stage lighting per the Mr. Wachtel revisions.

b. The intended flow in B3 is as follows:

i. *Complete Lobby footing*
ii. *Complete the Mat Footing Assembly the Tower*
iii. *Complete the HVAC units for B1-B2 at the tower*
iv. *Complete the structural steel and FRP at the tower*
v. *Complete tower roof*
vi. *Remove the dirt from Auditorium*
vii. *Stem wall footings at auditorium*
viii. *Footing & SOG in basement under the stage*
ix. *Install the dance floor the high work and the arched beams in auditorium*
x. *Install the dance floor at the stage and do all the high work*

December 1, 2020

Buildings B3/B4 Update
B4 Flow Summary

Building B4:

i. Existing conditions in Salters Theater and the Choral room that did not match the documents and created 11 Critical RFIs and 1 Structural CCD requiring redesign and new shop drawings.
ii. Existing conditions in Band Room did match documents creating 5 critical RFIs that required redesign and revised shop drawings.
iii. Stage storage room, SW, again existing conditions did not match the documents creating several RFIs and redesign.
iv. 2nd floor wood framing & structural steel issues have required 5 Structural CCDs, only 1 of which has been approved by DSA, is holding. The approval of these CCDs has halted our ability to proceed with work in the respective areas.

Intended flow for B4 is as follows:

i. *Choral/Salters footings*
ii. *Footings & framing at rooms along west side 1st floor*
iii. *Slot-cut and shoring for footings around Salter Stage area*
iv. *Shotcrete walls at Band Room*
v. *Backfill and SOG at Band Room*
vi. *Wood framing and structural steel on 2nd floor*
vii. *Build new elevator shaft*
viii. *SOG & support joisting wherever possible.*

December 1, 2020

c. Bldg C and Aquatic Center

1. Re-designed from Building with 3-story underground parking to Building with 1-story underground parking.

2. Methane mitigation scope added

The following excerpts from a PowerPoint presentation to the BOE on November 26, 2019, the original design of Building C.

Building C / Aquatic Center Project



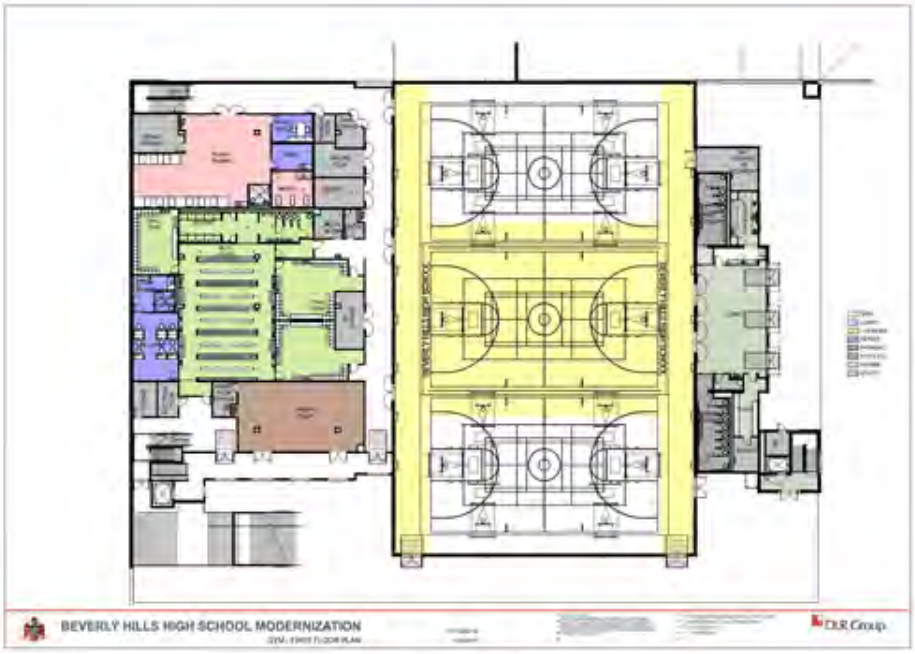
November 26, 2019 10

Building C / Aquatic Center Project



November 26, 2019 11

Building C / Aquatic Center Project



Building C Level 1

November 26, 2019

12

Building C / Aquatic Center Project



Building C Level 2

November 26, 2019

13

d. El Rodeo School

1. Modernization to voluntary seismic retrofit
2. DTSC requirements
3. Historical elements to be preserved

The following excerpt from a PowerPoint presentation to the BOE on October 16, 2018 describes the project scope.

El Rodeo School Modernization

- Phase I - Buildings A,B,C & D
  - Submitted to DSA March 2016
  - Voluntary Seismic Design Resubmitted February 2018
  - Projected Approval 1st Quarter 2019
  - DTSC Remedial Action Plan Complete and Monitoring Wells have been Plugged & Capped



October 16, 2018 33

El Rodeo School Modernization

- Phase II - Building E
  - Submitted to DSA March 2016
  - Projected Approval 1sh Quarter 2019
- Phase III - Site Improvements
  - Submitted to DSA March 2016
  - Projected Approval 1sh Quarter 2019
- Phase IV - Elevated Playfield with Parking Below
  - Design Development Complete
  - Construction Documents Pending Scope & Budget Review





October 16, 2018 34

e. Hawthorne Elementary School Auditorium

1. In design – on hold
2. Reconfiguration projects completed

The following excerpts from a PowerPoint presentation to the BOE on October 16, 2018, describes the status of the project.

Hawthorne School

- Auditorium
  - DSA Back Check Comments Received
  - Constructability Review & Design Q.A./Q.C. in Process
- Campus Security Camera Survey & Design In progress



October 16, 2018 31

f. Projects not anticipated in 2018

1. Swim Gym Renovation
2. Reconfiguration
3. BHHS Bldg A Refresh
4. MTA Rodeo 107 and Wolfskill 23
5. Full Spectrum Security Program

I. HOW WERE THE CHANGES APPROVED FOR MAJOR PROJECTS?

A. BHHS B1 B2 MODERNIZATION

1. BOE Approval of construction services agreement amount for Phase 3-1A with ProWest Construction for Beverly Hills High School Building B1 and B2 Modernization Project. 5-08-18 - $14,358,999

2. BOE Approval of construction services agreement amount for Phase 3-1B with ProWest Constructors for the Beverly Hills High School Buildings B1 and B2 Modernization Project. 7-24-18 - $12,757,463

3. BOE Discussion: Guaranteed Maximum Price (GMP) Approach for Beverly Hills High School Buildings B1 and B2 Modernization Project. 10-26-2018

4. BOE Approval of Amendment No. 2 to the Construction Services Agreement with ProWest PCM, Inc., dba ProWest Constructors for Beverly Hills High School. 10-26-2018 - $38,786,668

Regular Board of Education Meeting
May 08, 2018 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills,

Agenda Item:	**XV.G. Approval of Construction Services Agreement Amount for Phase 3-1A with ProWest Constructors for Beverly Hills High School Buildings B1 and B2 Modernization Project.**
Rationale:	On November 14, 2017, the Board of Education awarded a contract to ProWest Constructors for Preconstruction and Lease-Leaseback Services for the Beverly Hills High School, Buildings B1 and B2 Modernization Project, utilizing a Lease-Lease Back (LLB) Guaranteed Maximum Price Contract (GMP) approach. ProWest Constructors has submitted a Guaranteed Maximum Bid for the Phase 3-1A Scope of Work for $14,358,999 to provide Construction and Modernization services as outlined in the Construction Services Agreement for selective demolition, erosion control, lead paint abatement, micro-piles and reinforcing, concrete restoration for core repairs, spall repairs and crack injection, fiber-reinforced polymer (FRP) composite, structural steel, and metal decking. Phase 3-1B consists of the rebidding of the structural concrete and framing scopes of work. It is anticipated that the GMP for these scopes will be ready for consideration in June 2018. Phase 3-1C consisting of the remaining trade scopes of work is anticipated to be ready for consideration in July 2018. The final Project GMP will be based on the summation of Phases 3-1A, 3-1B and 3-1C pricing.
Recommended Motion:	It is respectfully requested that the Board of Education approve the Construction Services Agreement with ProWest Constructors for the Beverly Hills High School Buildings B1 and B2 Modernization Project for the Phase 3-1A Scope of Work in the amount of $14,358,999.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Construction Services Agreement Amount for Phase 3-1A with ProWest Constructors for Beverly Hills High School Buildings B1 and B2 Modernization Project. Passed with a motion by Noah Margo and a second by Lisa Korbatov.
Financial Impact:	The cost of the 3-1A scope of work in the amount of $14,358,999 would be paid for with previously budgeted funds in Measure E for the Beverly Hills High School Modernization B1B2 Project.

Attachments:
ProWest CSA SL SSL
ProWest LLB Resolution

Regular Board of Education Meeting
July 24, 2018 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills,

Agenda Item:	**XII.A. Approval of a Construction Services Agreement Amount for Phase 3-1B with ProWest Constructors for the Beverly Hills High School Buildings B1 and B2 Modernization Project**
Rationale:	On November 14, 2017, the Board of Education awarded a contract to ProWest Constructors for Preconstruction and Lease-Leaseback Services for the Beverly Hills High School, Buildings B1 and B2 Modernization Project, utilizing a Lease-Lease Back (LLB) Guaranteed Maximum Price Contract (GMP) approach. On May 8, 2018 ProWest Constructors submitted a Guaranteed Maximum Bid for the Phase 3-1A Scope of Work for $14,358,999 to provide Construction and Modernization services as outlined in the Construction Services Agreement for selective demolition, erosion control, lead paint abatement, micro-piles and reinforcing, concrete restoration for core repairs, spall repairs and crack injection, fiber-reinforced polymer (FRP) composite, structural steel, and metal decking. ProWest Constructors has now presented a price for Phase 3-1B which consists of the rebidding of the survey, structural concrete, and framing scopes of work in the amount of $12,757,463. Phase 3-1C which will include the remaining trade scopes of work is anticipated to be ready for consideration in September 2018. The final Project GMP will be based on the summation of Phases 3-1A, 3-1B and 3-1C pricing.
Recommended Motion:	It is respectfully requested that the Board of Education approve the Construction Services Agreement with ProWest Constructors for the Beverly Hills High School Buildings B1 and B2 Modernization Project for the Phase 3-1B Scope of Work in the amount of $12,757,463, to be paid with previously budgeted funds in Measure E for the project.
Actions Taken:	**Motion Passed:** A motion was made for Approval of a Construction Services Agreement Amount for Phase 3-1B with ProWest Constructors for the Beverly Hills High School Buildings B1 and B2 Modernization Project. Passed with a motion by Noah Margo and a second by Lisa Korbatov.
Financial Impact:	This work will be paid for with previously budgeted funds for the Beverly Hills High School Modernization project in the Measure E Bond.

Special Board Meeting
October 26, 2018 10:30 AM
CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION-STC/Jon Cherney Lecture Hall
Beverly Hills High School
241 Moreno Drive
Beverly Hills, CA 90212

Agenda Item: **XII.A. Discussion: Guaranteed Maximum Price (GMP) Approach for Beverly Hills High School Buildings B1 and B2 Modernization Project.**

Attachments:
BHHS B1 B2 Presentation 10.26.18

Special Board Meeting
October 26, 2018 10:30 AM
CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION-STC/Jon Cherney Lecture Hall
Beverly Hills High School
241 Moreno Drive
Beverly Hills, CA 90212

Agenda Item:	**XII.B. Approval of Amendment No. 2 to the Construction Services Agreement with Prowest PCM, Inc., dba ProWest Constructors for Beverly Hills High School Buildings B1 and B2 Modernization Project.**
Rationale:	On November 14, 2017, the Board of Education awarded a contract to ProWest PCM, Inc., dba ProWest Constructors (ProWest) for Preconstruction and Lease-Leaseback (LLB) services for Beverly Hills High School Buildings B1 and B2 Modernization Project, utilizing an LLB Guaranteed Maximum Price Contract (GMP) approach. The scopes of work for the GMP are separated into three phases. Phase 3-1A consists of selective demolition, erosion control, lead paint abatement, micro-piles and reinforcing, concrete restoration for core repairs, spall repairs and crack injection, fiber-reinforced polymer (FRP) composite, structural steel and metal decking. Phase 3-1B consists of the rebidding of the survey, structural concrete and framing scopes of work. Phase 3-1C consists of the remaining trades scopes of work, which include abatement at south bridge, site grading, site concrete, site utilities, landscaping, precast concrete specialties, masonry, cabinets and finish carpentry, waterproofing, flashing and sheet metal, roofing, clay tile roofing, doors, frames, hardware and installation, glass and aluminum, metal stud framing, drywall and insulation,plaster and stucco, ceramic tile, flooring, epoxy flooring, acoustical ceilings, painting, specialties, operable partitions, signage, window coverings, elevator, wheel chair lifts, fire protection, plumbing, HVAC and controls, and electrical, low voltage, security and fire alarm.
Recommended Motion:	It is respectfully requested that the Board of Education approve Amendment No. 2 to the Construction Services Agreement with Prowest PCM, Inc., dba Prowest Constructors for Beverly Hills High School Buildings B1 and B2 Modernization Project establishing a Guaranteed Maximum Price for Phase 3-1C in the amount of $38,786,668.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Amendment No. 2 to the Construction Services Agreement with Prowest PCM, Inc., dba ProWest Constructors for Beverly Hills High School Buildings B1 and B2 Modernization Project. Passed with a motion by Isabel Hacker and a second by Howard Goldstein.
Financial Impact:	The GMP for Phase 3-1C would be paid for with Measure E funds. Original Agreement (Phase 3-1A): $14,358,999 Amendment No. 1 (Phase 3-1B): $12,757,463 Amendment No. 2 (Phase 3-1C): $38,786,668 Total GMP: $65,903,130

Attachments:
Amendment No. 1 Construction Services Agreement
Amendment No. 2 to Construction Services Agreement
Construction Services Agreement
Lease/Leaseback Resolution

B. BHHS B3 B4 MODERNIZATION

1. BOE Adoption of Resolution No. 2018-2019-25 Approving Amendment No. 4 to the Lease-leaseback Agreement with ProWest PCM, Inc., dba ProWest Constructors, for Beverly Hills High School B1 and B2 Modernization, establishing PGMP for Phase 1 of B3 B4 Modernization. 5-14-2019 - $8,657,650

2. BOE Adoption of Resolution No. 2019-2020-008 Approving Amendment No. 5 to the Construction Services Agreement with ProWest PCM, Inc., dba ProWest Construction for Beverly Hills High School (BHHS) Buildings B1 and B2 Modernization Project Establishing a Preliminary Guaranteed Maximum Price for Phase 2 of the Modernization of Buildings B3 B4. 1-28-2020 - $62,989,427

3. BOE Adoption of Resolution No. 2019-2020-028 Approving Amendment No. 6 to the Construction Services Agreement with ProWest PCM Inc., dba ProWest Constructors for Beverly Hills High School (BHHS) Buildings B1 and B2 Modernization Project Establishing a Preliminary Guaranteed Maximum Price for Phase 3 of the Modernization of Buildings B3 and B4. 5-12-2020 - $26,684,366

Regular Board of Education Meeting
May 14, 2019 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills,

Agenda Item:	**XII.F. Adoption of Resolution No. 2018-19-25 Approving Amendment No. 4 to the Lease-Leaseback Agreement with ProWest PCM, Inc., dba Prowest Constructors, for Beverly Hills High School B1 and B2 Modernization**
Rationale:	On November 14, 2017, the Board of Education awarded a contract to ProWest PCM, Inc., dba ProWest Constructors, based on a Request for Qualifications process for preconstruction and lease-leaseback (LLB) services for Beverly Hills High School (BHHS) Buildings B1 and B2 modernization project utilizing an LLB guaranteed maximum price contract (GMP) approach. The original agreement established a GMP for the first of the project's three phases. Amendment No. 1 to the agreement established a GMP for the second phase of the project. Amendment No. 2 established a GMP for the third phase of the project. Amendment No. 3 added BHHS Buildings B3 and B4 modernization to the agreement and established a price for preconstruction services for B3 and B4 and authorized negotiation of a GMP for construction services upon Division of State Architect approval of the project design. Amendment No. 4 covers Phase 1 of potentially 3 phases of the GMP for Buildings B3 and B4 and consists of containment, selective demolition, asbestos abatement, lead paint abatement, erosion control, shoring, fencing and sound wall, general trades, temporary facilities, and supervision and management fees through 12/31/19 for the amount of $8,657,650.
Recommended Motion:	It is respectfully requested that the Board of Education adopt Resolution No. 2018-19-25 Approving Amendment No. 4 to the Agreement with ProWest PCM, Inc., dba ProWest Constructors establishing a GMP for Phase 1 of the modernization of Buildings B3 and B4 in the amount of $8,657,650.
Actions Taken:	**Motion Passed:** A motion was made to approve the Adoption of Resolution No. 2018-19-25 Approving Amendment No. 4 to the Lease-Leaseback Agreement with ProWest PCM, Inc., dba Prowest Constructors, for Beverly Hills High School B1 and B2 Modernization. Passed with a motion by Rachelle Marcus and a second by Isabel Hacker.
Financial Impact:	Original Agreement (Phase3-1A) B1/B2 Amendment No. 1 (Phase 3-1B) B1/B2 Amendment No. 2 (Phase 3-1C B1/B2 Amendment No. 3 (Preconstruction Services and negotiation of a GMP $TBD (B3/B4) Amendment No. 4 GMP for Phase 1--B3/B4: $8,657,650

Attachments:
Amendment No. 4
Resolution

Regular Board of Education Meeting
January 28, 2020 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills, CA

707 North Elm Drive, Beverly Hills, CA 90210

Agenda Item:	**XIV.A. Adoption of Resolution No. 2019-2020-008 Approving Amendment No. 5 to the Construction Services Agreement with ProWest PCM, Inc., dba ProWest Constructors for Beverly Hills High School (BHHS) Buildings B1 and B2 Modernization Project Establishing a Preliminary Guaranteed Maximum Price for Phase 2 of the Modernization of Buildings B3 and B4.**
Rationale:	On November 14, 2017, the Board of Education awarded a contract to ProWest PCM, Inc., dba ProWest Constructors, based on a Request for Qualifications process for preconstruction and lease-leaseback (LLB) services for Beverly Hills High School (BHHS) Buildings B1 and B2 modernization project utilizing an LLB guaranteed maximum price contract (GMP) approach. The original agreement established a Preliminary GMP for the first of the project's three phases. Amendment No. 1 to the agreement established a PGMP for the second phase of the project. Amendment No. 2 established a PGMP for the third phase of the project. Amendment No. 3 added BHHS Buildings B3 and B4 and authorized negotiation of a GMP for construction services upon Division of State Architect approval of the project design. Amendment No. 4 established a PGMP for the first phase of the GMP for Buildings B3 and B4. Amendment No. 5 would establish the PGMP for Phase 2 of Buildings B3 and B4, consisting of demolition per DSA stamped drawings, plywood sheathing for temporary shear value, survey, fiber reinforced polymer (FRP) composite system, concrete, reinforcing steel, shotcrete, crack injection and spall repair, structural and miscellaneous steel, metal decking, steel railings and stairs, rough carpentry, cabinets/millwork and finish carpentry, doors/frames and finish hardware, metal stud framing, insulation, drywall, lath/plaster(stucco) stage drapes, stage rigging and pipe grid, plumbing and fixtures, electrical and lighting, low voltage systems, security systems, fire alarm systems and supervision and management fees through December 31, 2021, in the amount of $62,989,427.
Recommended Motion:	It is respectfully recommended that the Board of Education adopt Resolution No. 2019-2020-008 approving Amendment No. 5 to the agreement with ProWest PCM, Inc., dba ProWest Constructors, establishing a PGMP for Phase 2 of the modernization of Buildings B3 and B4 in the amount of $62,989,427.
Actions Taken:	**Motion Passed:** A motion was made to approve the Adoption of Resolution No. 2019-2020-008 Approving Amendment No. 5 to the Construction Services Agreement with ProWest PCM, Inc., dba ProWest Constructors for Beverly Hills High School (BHHS) Buildings B1 and B2 Modernization Project Establishing a Preliminary Guaranteed Maximum Price for Phase 2 of the Modernization of Buildings B3 and B4. Passed with a motion by Tristen Walker Shuman and a second by Isabel Hacker.
Financial Impact:	Original Agreement (Phase 3-1A) B1/B2 Amendment No. 1: (Phase 3-1B) B1/B2

Amendment No. 2: (Phase 3-1C) B1/B2
Amendment No. 3 (Preconstruction Services and negotiation of a GMP TBD (B3/B4)
Amendment No. 4: PGMP for Phase 1(B3/B4): $8,657,650
Amendment No. 5: PGMP for Phase 2(B3/B4): $62,989,427

The cost associated with Amendment No. 5 will be paid for with budgeted funds in Measure BH.

Attachments:
Amendment No. 5
Resolution 2019-20-008

Regular Board of Education Meeting
May 12, 2020 5:00 PM
As per Executive Order N-29-20 from Governor Newsom, the Board of Education meeting will move to a teleconferencing environment. If members of the public would like to contact the Board about the upcoming agenda, please do so by 4:00 p.m. on May 12, 2020 by emailing community@bhusd.org. If you wish for your comment to be read aloud, please indicate this specially in your communication. Requests to be read aloud will be honored, subject to the Board's usual time limits on public comment.

Agenda Item:	**XIII.A. Adoption of Resolution No. 2019-2020-028 Approving Amendment No. 6 to the Construction Services Agreement with ProWest PCM, Inc., dba ProWest Constructors for Beverly Hills High School (BHHS) Buildings B1 and B2 Modernization Project Establishing a Preliminary Guaranteed Maximum Price for Phase 3 of the Modernization of Buildings B3 and B4.**
Rationale:	On November 14, 2017, the Board of Education awarded a contract to ProWest PCM, Inc., dba ProWest Constructors, based on a Request for Qualifications process for preconstruction and lease-leaseback (LLB) services for Beverly Hills High School (BHHS) Buildings B1 and B2 modernization project utilizing an LLB guaranteed maximum price contract (GMP) approach. The original agreement established a Preliminary GMP for the first of the project's three phases on the Building B1 and B2 Project. Amendment No. 1 to the agreement established a PGMP for the second phase of the project. Amendment No. 2 established a PGMP for the third phase of the project. Amendment No. 3 added BHHS Buildings B3 and B4 and authorized negotiation of a GMP for construction services upon Division of State Architect approval of the project design. Amendment No. 4 established a PGMP for the first phase of the modernization of Buildings B3 and B4 project. Amendment No. 5 established the PGMP for Phase 2 of the modernization of Buildings B3 and B4. Amendment No. 6 would establish the PGMP for Phase 3 of the modernization of Buildings B3 and B4 in the amount of $26,684,366, consisting of interior scaffolding, final cleaning, polished concrete, masonry, precast concrete,waterproofing, flashing and sheet metal, built-up roofing, clay tile roofing, glazing,aluminum window frames, coiling doors, ceramic tile, epoxy flooring, acoustical ceilings, vinyl flooring, wood flooring, carpeting, painting, special coatings,building specialties, signage, window coverings, theater seating, hydraulic elevator, wheelchair lifts, fire sprinklers, heating, ventilation, and air conditioning and supervision and management fees from January 1, 2022 through February 28, 2023.
Recommended Motion:	It is respectfully recommended that the Board of Education adopt Resolution No. 2019-2020-028 approving Amendment No. 6 to the agreement with ProWest PCM, Inc., dba ProWest Constructors for the Beverly Hills High School Buildings B1 and B2 modernization project establishing a PGMP for Phase 3 of the modernization of Buildings B3 and B4 in the amount of $26,684,366.
Actions Taken:	**Motion Passed:** A motion was made to approve the adoption of Resolution No. 2019-2020-028 Approving Amendment No. 6 to the Construction Services Agreement with ProWest PCM, Inc., dba ProWest Constructors for Beverly Hills High School (BHHS) Buildings B1 and B2 Modernization Project Establishing a Preliminary Guaranteed Maximum Price for Phase 3 of the Modernization of Buildings B3 and B4. A roll call vote was taken. Passed with a motion by Tristen Walker Shuman and a second by Isabel Hacker.
Financial Impact:	Financial Impact: Original Agreement (Phase 3-1A) B1/B2 Amendment No. 1: (Phase 3-1B) B1/B2

Amendment No. 2: (Phase 3-1C) B1/B2
Amendment No. 3 (Preconstruction Services and negotiation of a GMP TBD (B3/B4)
Amendment No. 4: PGMP for Phase 1(B3/B4): $8,657,650
Amendment No. 5: PGMP for Phase 2(B3/B4): $62,989,427
Amendment No. 6: PGMP for Phase 3(B3/B4): $26,684,366
The cost associated with Amendment No. 6 will be paid for with budgeted funds in Measure BH.

Attachments:
Amendment No. 6
Resolution No. 2019-2020-028

C. EL RODEO SCHOOL MODERNIZATION

1. BOE Approval of the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors (ProWest) and Approval of the Guaranteed Maximum Price (GMP) for Phase I of the Project. 7-22-2019 - $5,047,995

2. BOE Approval of Amendment No. 1 to the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors. 11-26-2019 - $31,508,032

3. BOE Approval of Amendment No. 2 to the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors establishing a PGMP for Phase 3 of the project. 7-14-2020 - $37,314,215

4. BOE Approval of Amendment No. 3 to the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors establishing a PGMP Phase 4 of the project. 10-13-2020 - $23,749,022

5. BOE Approval of Amendment No. 4 to the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors establishing a PGMP Phase 5 of the project. 1-12-2021 - $21,195,485

6. BOE Approval of Amendment No. 5 to the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors establishing a PGMP Phase 6 of the project. 7-13-2021 - $6,209,494

7. BOE Approval of Amendment No. 6 to the Lease-leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors establishing a PGMP for Phase 7, the final phase of the project (To be submitted to BOE for approval on 10-26-2021, $6,707,238)

Regular Board of Education Meeting
July 22, 2019 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills,

Agenda Item:	**XII.E. Approval of the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors (ProWest) and Approval of the Guaranteed Maximum Price (GMP) for Phase I of the Project.**
Rationale:	On April 23, 2019, by Resolution 2018-2019-20, the Board of Education awarded Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project to ProWest Constructors (ProWest) and authorized the Superintendent to proceed to enter into a Lease-Leaseback Agreement with ProWest. The scope of work under the Agreement and the Guaranteed Maximum Price (GMP) of $5,047,995 for Phase I of the project have been established.
Recommended Motion:	It is respectfully recommended that the Board of Education approve the Lease-Leaseback Agreement with ProWest Constructors for the El Rodeo School Campus Seismic Retrofit and Modernization Project for the GMP of $5,047,995 for Phase I of the project.
Actions Taken:	**Motion Passed:** A motion was made for Approval of the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors (ProWest) and Approval of the Guaranteed Maximum Price (GMP) for Phase I of the Project. Passed with a motion by Tristen Walker Shuman and a second by Noah Margo.
Financial Impact:	The work covered by this Agreement for Phase I for the GMP of $5,047,995 will be paid for with funds budgeted in Measure E for the El Rodeo School Campus Seismic Retrofit and Modernization Project.

Attachments:
El Rodeo Construction Services Agreement
El Rodeo Site Lease

Regular Board of Education Meeting
November 26, 2019 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills,

Agenda Item:	**XIII.A. Approval of Amendment No. 1 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors**
Rationale:	On April 23, 2019, the Board of Education adopted Resolution 2018-2019-020 approving the award of Preconstruction and Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project to ProWest Constructors (ProWest). On July 22, 2019, the Board of Education approved the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest and approved the Guaranteed Maximum Price (GMP) for Phase I of the Project. On November 19, 2019, ProWest submitted a Guaranteed Maximum Bid (GMB) for the scope of work in Phase 2, to provide construction and modernization services as outlined in the Construction Services Agreement for interior scaffolding, fiber reinforced polymer (FRP) composite system, cast-in-place concrete, shotcrete & reinforcing, crack injection & spall repair, CMU walls, structural & miscellaneous steel, metal deck, railings & stairs, rough carpentry, operable partitions, food service equipment, stage drapes, stage rigging & pipe grid, smoke doors and fire sprinklers. The GMB for this scope of work is $31,508,032.00. Phase 3 and potentially Phase 4 will include the remaining trade scopes of work and are anticipated to be ready for consideration in April 2020. The final Guaranteed Maximum Price will be based on the summation of all phases of the work.
Recommended Motion:	It is respectfully requested that the Board of Education approve Amendment No. 1 to the Construction Services Agreement with ProWest Constructors for the El Rodeo Campus Seismic Retrofit and Modernization Project for $31,508,032.00.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Amendment No. 1 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors. Passed with a motion by Rachelle Marcus and a second by Tristen Walker Shuman.
Financial Impact:	The work associated with Amendment No. 1 will be paid for with budgeted funds in Measure E for the El Rodeo Campus Seismic Retrofit and Modernization Project.

Attachments:
Construction Services Agreement
El Rodeo Amendment no. 1
Site Lease
Sub Lease

Regular Board of Education Meeting
July 14, 2020 5:00 PM
As per Executive Order N-29-20 from Governor Newsom, the Board of Education meeting will move to a teleconferencing environment. If members of the public would like to contact the Board about the upcoming agenda, please do so by 4:00 p.m. on July 14, 2020 by emailing community@bhusd.org. If you wish for your comment to be read aloud, please indicate this specially in your communication. Requests to be read aloud will be honored, subject to the Board's usual time limits on public comment.

Agenda Item:	**XIII.A. Approval of Amendment No. 2 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors**
Rationale:	On April 23, 2019, the Board of Education adopted Resolution 2018-2019-020 approving the award of Preconstruction and Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project to ProWest Constructors (ProWest). On July 22, 2019, the Board of Education approved the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest and approved the Preliminary Guaranteed Maximum Price (PGMP) for Phase I of the Project. On November 19, 2019, the Board of Education approved Amendment No. 1 to the Lease-Leaseback Agreement establishing the PGMP for Phase 2. Amendment No. 2 would establish the PGMP for the scope of work in Phase 3, which includes: security guard services (added duration), abatement and demolition (soils), doors and frames, finish hardware, metal-stud framing, drywall, plaster and stucco, plumbing, HVAC and controls, electrical and lighting, low-voltage including security and fire alarm, and access controls. The PMGP for this scope of work is $37,314,215. Phases 4 and 5 will include the remaining trade scopes of work, with Phase 4 expected to be presented to the Board of Education in August of 2020. The final Guaranteed Maximum Price will be based on the summation of all phases of the work.
Recommended Motion:	It is respectfully recommended that the Board of Education approve Amendment No.2 to the Construction Services Agreement with ProWest Constructors for the El Rodeo Campus Seismic Retrofit and Modernization Project for $37,314,215.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Amendment No. 2 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors. A roll call vote was taken. Passed with a motion by Noah Margo and a second by Isabel Hacker.
Financial Impact:	The work associated with Amendment No. 2 will be paid for with budgeted funds in Measure E for the El Rodeo Campus Seismic Retrofit and Modernization Project. Original Agreement: $5,047,995 (Phase 1) Amendment No 1: $26,460,037 (Phase 2) Amendment No.2: $37,314,215 (Phase 3)

Attachments:
Amendment No. 2

Regular Board of Education Meeting
October 13, 2020 5:00 PM
As per Executive Order N-29-20 from Governor Newsom, the Board of Education meeting will move to a teleconferencing environment. If members of the public would like to contact the Board about this agenda, please do so by 4:00 p.m. on October 13, 2020 by emailing community@bhusd.org. If you wish for your comment to be read aloud, please indicate this in your communication. Requests to be read aloud will be honored, subject to the Board's usual time limits on public comment.

Agenda Item:	**13.K. Approval of Amendment No. 3 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors.**
Rationale:	On April 23, 2019, the Board of Education adopted Resolution 2018-2019-020 approving the award of Preconstruction and Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project to ProWest Constructors (ProWest). On July 22, 2019, the Board of Education approved the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest and approved the Preliminary Guaranteed Maximum Price (PGMP) for Phase I of the Project. On November 19, 2019, the Board of Education approved Amendment No. 1 to the Lease-Leaseback Agreement establishing the PGMP for Phase 2. On July 14, 2020, the Board of Education approved Amendment No. 2 to the Lease-Leaseback Agreement establishing a PGMP for Phase 3. Amendment No. 3 would establish the scope of work in Phase 4, which includes construction and modernization services as outlined in the Construction Services Agreement for survey and layout, final cleaning, sealed and polished concrete, waterproofing, flashing and sheet metal, built-up roofing, clay tile roofing, tile, wood flooring, acoustical ceilings, epoxy flooring, flooring & moisture vapor barrier, painting & special coatings, specialties, signage, window coverings, wheelchair lifts, general trades, temporary facilities, and supervision and management fees through 8/15/22. The PGMP for this scope of work is $23,749,022. Phases 5 and 6 will include the remaining trade scopes. The final Guaranteed Maximum Price will be based on the summation of all phases of the work. The work associated with Amendment No. 3 will be paid for with budgeted funds in Measure E for the El Rodeo Campus Seismic Retrofit and Modernization Project.
Recommended Motion:	It is respectfully recommended that the Board of Education approve Amendment No.3 to the Construction Services Agreement with ProWest Constructors for the El Rodeo Campus Seismic Retrofit and Modernization Project for $23,749,022.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Amendment No. 3 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors. Passed with a motion by Tristen Walker Shuman and a second by Rachelle Marcus.
Financial Impact:	The work associated with Amendment No. 3 will be paid for with budgeted funds in Measure E for the El Rodeo Campus Seismic Retrofit and Modernization Project. Original Agreement: $5,047,995 (Phase 1) Amendment No 1: $26,460,037 (Phase 2) Amendment No.2: $37,314,215 (Phase 3) Amendment No 3: $23,749,022 (Phase 4)

Attachments:
Amendment no. 3

Regular Board of Education Meeting
January 12, 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. If members of the public would like to contact the Board about this agenda, please do so by 4:00 p.m. on January 12, 2021 by emailing community@bhusd.org. If you wish for your comment to be read aloud, please indicate this in your communication. Requests to be read aloud will be honored, subject to the Board's usual time limits on public comment.

Agenda Item:	**13.B. Approval of Amendment No. 4 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors**
Rationale:	On April 23, 2019, the Board of Education adopted Resolution 2018-2019-020 approving the award of Preconstruction and Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project to ProWest Constructors (ProWest). On July 22, 2019, the Board of Education approved the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest and approved the Preliminary Guaranteed Maximum Price (PGMP) for Phase 1 of the Project. On November 19, 2019, the Board of Education approved Amendment No. 1 to the Lease-Leaseback Agreement establishing the PGMP for Phase 2. On July 14, 2020, the Board of Education approved Amendment No. 2 to the Lease-Leaseback Agreement establishing the PGMP for Phase 3. On October 13, 2020, the Board of Education approved Amendment No. 3 to the Lease-Leaseback Agreement establishing the PGMP for Phase 4. Amendment No. 4 would establish the PGMP for the scope of work in Phase 5, which includes: general conditions, general trades, and security guard services (added duration), site fencing, skylights and shade structures, playground equipment, site demolition, site grading and earthwork, site concrete, asphalt paving, synthetic turf and turf drainage, landscaping, irrigation and pavers, and site utilities. The PMGP for this scope of work is $21,195,485. Phase 6 will include the remaining trade scopes of work and is expected to be presented to the Board of Education in March of 2021. The final Guaranteed Maximum Price will be based on the summation of all phases of the work. The work associated with Amendment No. 4 will be paid for with budgeted funds in Measure E for the El Rodeo Campus Seismic Retrofit and Modernization Project.
Recommended Motion:	It is respectfully recommended that the Board of Education approve Amendment No.4 to the Construction Services Agreement with ProWest Constructors for the El Rodeo Campus Seismic Retrofit and Modernization Project for $21,195,485.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Amendment No. 4 to the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors. A roll call vote was taken. Passed with a motion by Mary Wells and a second by Tristen Walker Shuman.
Financial Impact:	The work associated with Amendment No. 4 will be paid for with budgeted funds in Measure E for the El Rodeo Campus Seismic Retrofit and Modernization Project. Original Agreement: $5,047,995 (Phase 1) Amendment No.1: $26,460,037 (Phase 2) Amendment No.2: $37,314,215 (Phase 3) Amendment No.3: $23,749,022 (Phase 4)

Amendment No.4: $21,195,485 (Phase 5)

Attachments:
Amendment No. 4

Regular Board of Education Meeting
July 13, 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

Agenda Item:	**13.I. Approval of Amendment No. 5 to the Lease-Leaseback Agreement for El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors**
Rationale:	On April 23, 2019, the Board of Education adopted Resolution 2018-2019-020 approving the award of Preconstruction and Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project to ProWest Constructors (ProWest). On July 22, 2019, the Board of Education approved the Lease-Leaseback Agreement for the El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest and approved the Preliminary Guaranteed Maximum Price (PGMP) for Phase 1 of the Project. On November 19, 2019, the Board of Education approved Amendment No. 1 to the Lease-Leaseback Agreement establishing the PGMP for Phase 2. On July 14, 2020, the Board of Education approved Amendment No. 2 to the Lease-Leaseback Agreement establishing the PGMP for Phase 3. On October 13, 2020, the Board of Education approved Amendment No. 3 to the Lease-Leaseback Agreement establishing the PGMP for Phase 4. On January 12, 2021, the Board of Education approved Amendment No. 4 to the Lease-Leaseback Agreement establishing the PGMP for Phase 5. Amendment No. 5 would establish the PGMP for the scope of work in Phase 6, which includes: glass, aluminum and steel windows and doors, and elevators. The PMGP for this scope of work is $6,209,494. Phase 7 will include the remaining trade scopes of work and is expected to be presented to the Board of Education in September of 2021. The final Guaranteed Maximum Price will be based on the summation of all phases of the work. The work associated with Amendment No. 5 will be paid for with budgeted funds in Measure BH for the El Rodeo Campus Seismic Retrofit and Modernization Project.
Recommended Motion:	It is respectfully recommended that the Board of Education approve Amendment No.5 to the Construction Services Agreement with ProWest Constructors for the El Rodeo Campus Seismic Retrofit and Modernization Project for $6,209,494.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Amendment No. 5 to the Lease-Leaseback Agreement for El Rodeo Campus Seismic Retrofit and Modernization Project with ProWest Constructors. A roll call vote was taken. Eli Ramer cast a preferential vote of yes. Passed with a motion by Mary Wells and a second by Tristen Walker Shuman.
Financial Impact:	The work associated with Amendment No. 5 will be paid for with budgeted funds in Measure BH for the El Rodeo Campus Seismic Retrofit and Modernization Project. Original Agreement: $5,047,995 (Phase 1) Amendment No.1: $26,460,037 (Phase 2) Amendment No.2: $37,314,215 (Phase 3) Amendment No.3: $23,749,022 (Phase 4) Amendment No.4: $21,195,485 (Phase 5) Amendment No. 5: $6,209,494 (Phase 6)

BEVERLY HILLS UNIFIED SCHOOL DISTRICT
EDUCATION REIMAGINED

TEAM CONCEPT DEVELOPMENT SERVICES, INC.

Regular Board of Education Meeting
October 26, 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:	**16.B. Approval of Amendment No 6 to the Lease-Leaseback Agreement for the El Rodeo Caps Seismic Retrofit and Modernization Project with ProWest Constructors**
Rationale:	On April 23, 2019, the Board of Education adopted Resolution 2018-2019-020 approving the award of Preconstruction and Lease-Leaseback Services for the El Rodeo School Campus Seismic Retrofit and Modernization Project (the Project) to ProWest Constructors (ProWest). On July 22,2019, the Board of Education approved the Lease-Leaseback Agreement with ProWest for the Project establshing a Preliminary Guaranteed Maximum Price (PGMP) for Phase 1 of the Project. On November 19,2019, the Board of Education approved Amendment No. 1 to the Lease-Leaseback Agreement establishing the PGMP for Phase 2. On July 14, 2020, the Board of Education approved Amendment No. 2 to the Lease-Leaseback Agreement establishing the PGMP for Phase 3. On October 13, 2020, the Board of Education approved Amendment No. 3 to the Lease-Leaseback Agreement establishing the PGMP for Phase 4. On January 12, 2021, the Board of Education approved Amendment No. 4 to the Lease-Leaseback Agreement establishing the PGMP for Phase 5. On July 13, 2021, the Board of Education approved Amendment No. 5 to the Lease-Leaseback Agreement establishing the PGMP for Phase 6. Amendment No. 6 would establish the PGMP for the scope of work in Phase 7, which includes historical cast stone restoration, exterior ornamental tile restoration, glass fiber reinforced concrete (GFRC) columns, glass fiber reinforced gypsum (GFRG) corbels, casework and finish carpentry, exterior stucco, theatre seating, and security guard services. The PMGP for this scope of work is $6,707,238. The final Guaranteed Maximum Price is $126,683,486 for all phases of the work. The costs authorized by this amendment will be paid for with Measure BH funds.
Recommended Motion:	It is respectfully recommended that the Board of Education approve Amendment No.6 to the Construction Services Agreement with ProWest Constructors for the El Rodeo Campus Seismic Retrofit and Modernization Project for $6,707,238.
Actions Taken:	PENDING BOARD APPROVAL.
Financial Impact:	The work associated with Amendment No. 6 will be paid for with Measure BH funds Original Agreement: $5,047,995 (Phase 1) Amendment No.1: $26,460,037 (Phase 2) Amendment No.2: $37,314,215 (Phase 3) Amendment No.3: $23,749,022 (Phase 4) Amendment No.4: $21,195,485 (Phase 5) Amendment No.5: $6,209,494 (Phase 6) Amendment No.6: $6,707,238 (Phase 7) Total: $126,683,486

Attachments:
Amendment No. 6

J. HOW HAVE THE CHANGES AFFECTED BUDGETS?

Measure E			
Project	Budget February 2018	Budget October 2021	Variance
BHHS Bldg B1 B2 Modernization	$61,850,000	$79,050,000	$17,200,000
El Rodeo Bldg A B C D Modernization	$80,655,000	$98,894,848	$18,239,848
Horace Mann Bldg A Closeout	$ 1,700,000	$ 1,689,314	($ 10,686)
Horace Mann Phase 4 Site Improvements	$ 5,315,000	$ 145,199	($5,169,801)
District Support Costs	$ 1,717,964	$ 1,717,964	0
Classroom Technology	$ 1,500,000	$ 1,500,000	0
BHHS Swim Gym	0	$ 1,368,037	$ 1,368,037
Totals	**$152,737,964**	**$184,365,362**	**$31,627,398**
Contingency	**$5,049,008**	**0**	**($5,049,008)**
TOTALS	**$157,786,972**	**$184,365,362**	**$26,578,390**

Measure BH			
Project	**Future Funding Feb 2018 Budget**	**Measure BH October 2021 Budget**	**Variance**
BHHS Modernization			
Planning all buildings		$ 1,790,951	$ 1,790,951
B3 B4	$59,202,000	$116,537,400	
Seismic		$ 337,907	
Total		$116,875,307	$57,673,307
BHHS Bldg C & Aquatic Center	$74,841,760	$ 74,841,760	0
BHHS South Site	$63,240,000	$ 63,240,000	0
BHHS Swim Gym	0	$ 257,152	$ 257,152
BHHS Parking Project	$85,536,000	$14,100,266	($71,435,734)
BHHS Interim Housing	$ 816,839	$ 816,839	0
Horace Mann School			
Bldg A Roofing	$ 1,150,000	0	($1,150,000)
Chiller Replacement	$ 524,000	0	($ 524,000)

Beverly Vista School			
ADA Drop-off	$ 97,750	0	($ 97,750)
Site Improvements	$ 1,725,000	0	($1,725,000)
Hawthorne School Auditorium	$12,370,000	$5,367,059	($7,002,941)
El Rodeo School			
Bldg E Modernization	$19,238,024		
Site Improvements	$11,948,000		
Elevated Playfield and Parking	$13,900,000		
Interim Housing	$ 717,962		
	$45,803,986	$57,812,390	$12,008,404
M&O Bldg	$ 4,287,500	$ 917,965	($ 3,369,535)
Venoco Oil Wells Remediation and Repurposing	$18,400,000	$32,281,063	$13,881,063
Legacy Wells	0	$ 1,500,000	$,500,000
Classroom Technology	$13,590,000	$13,600,000	$ 10,000
District Support	$10,000,000	$ 4,368,949	($5,631,051)
Security Program Development	0	$ 5,879,168	$ 5,879,168
TOTALS	$391,584,835	$393,648,869	$ 2,064,035
Contingency	$ 19,579,242	0	($19,579,242)
	$411,164,077	$393,648,869	($17,515,208)

Consolidated Program Budgets and Revenue Projection

Program Budgets Measure E and BH (consolidated)			
February 2018 Projection		**October 2021**	**Variance**
Measure E Program Budget	$152,737,924	$184,365,362	$ 31,627,398
Contingency	$ 5,049,008	0	($ 5,049,008)
Total	$157,786,972	$184,365,362	$ 26,578,390
Measure BH Program Budget	$411,164,077	$393,648,869	($17,515,208)
TOTAL	**$568,951,009**	**$578,014,231**	**$ 9,063,222**

Revenue Projections Measure E and BH (consolidated)					
February 2018			October 2021[6]		Variance
Revenue	Current	Projected	Current	Projected	
Balance of Measure E	$145,066,401		$145,066,401		
SSMP Funding	$ 6,547,668	$ 18,825,000	$ 18,968,478	$16,000,000	$11,595,810
Interest	$ 6,172,863	TBD	(E) $14,027,277 (BH) $2,877,473	$ 1,000,000 $ 3,500,000	$ 8,854,414 $ 6,377,473
Developer Fees		$ 6,800,000	0		-$ 6,800,000
TOTALS	$157,786,932	$ 25,625,000	$ 180,939,629	$20,500,000	$20,027,697
Future Funding	$385,539,077		$ 385,000,000		($ 539,077)
Grand Total	$543,326,009	$ 25,625,000	$ 565,939,629	$20,500,000	$17,488,620
	$568,951,009		$586,439,629		

[6] As of 8-27-21 data entries

Summary

Consolidated Revenue Projections	$17,488,620	over estimate
Consolidated Budgets	($ 9,063,222)	over estimate
Difference	$ 8,425,398	

K. PROJECT UPDATES

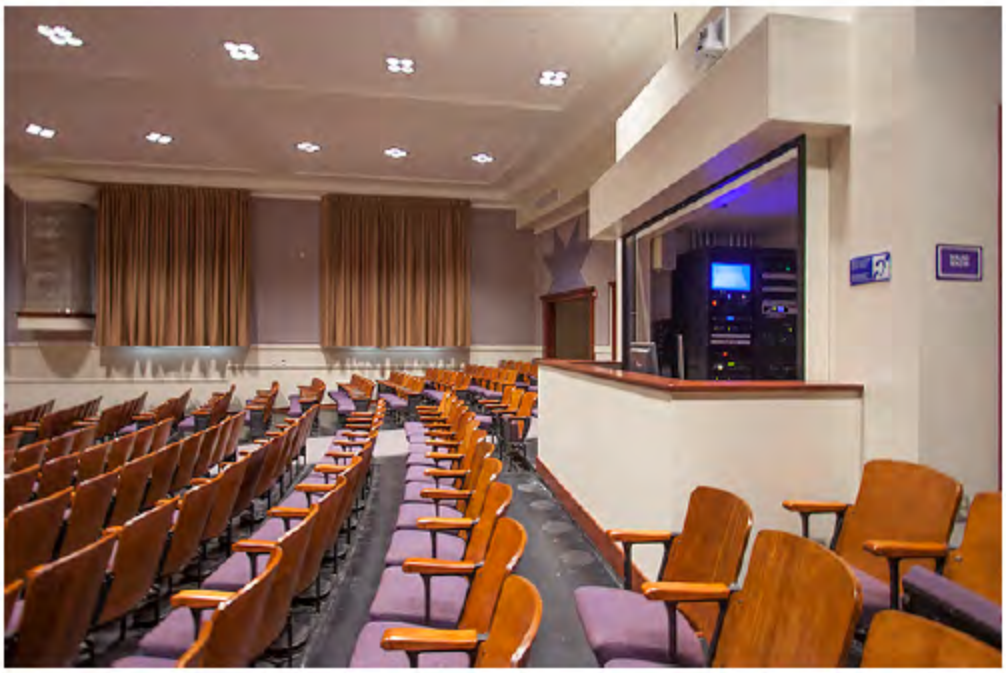
1. Horace Mann School

	February 2018	October 2021
Building A – Finish I.T. And A.V.	Not started	Completed
Phase 4 Site Improvements	Not started	Completed
Building A Roofing	Not started	Completed
Chiller Replacement	Not started	Completed
Interim Housing Removal	Not started	Completed
Bldg B Sports Floor	Not started	Completed
Campus Security Camera Projects	Not started	Completed
Site Improvements	Not started	Completed

Horace Mann School



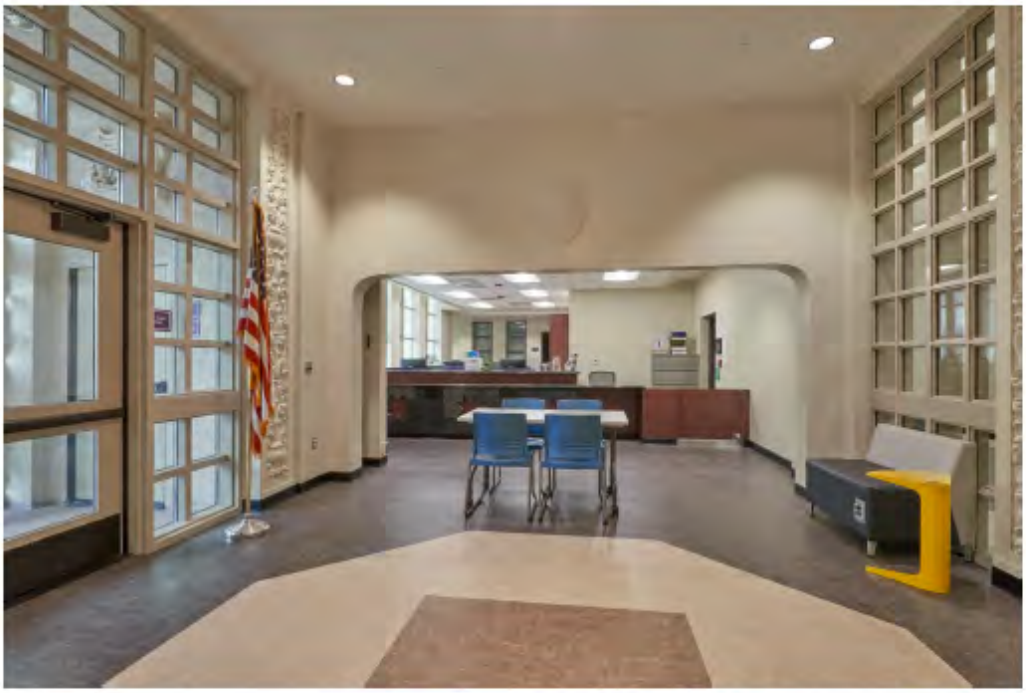
Horace Mann School



Auditorium October 2018



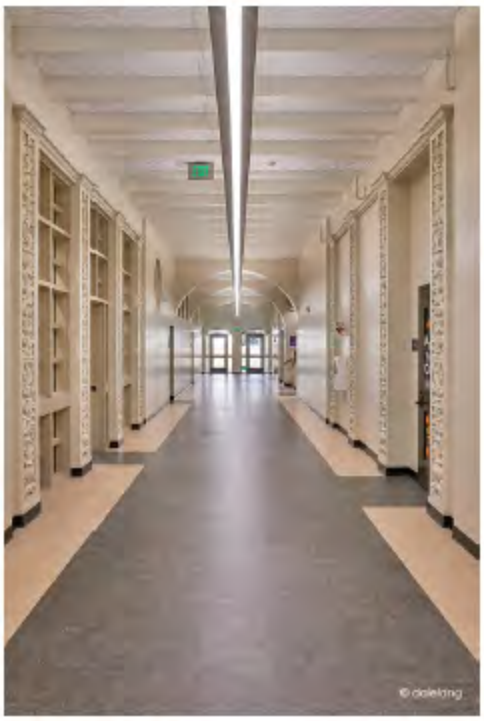
Horace Mann School



Building A Lobby October 2018



Horace Mann School



Building A Corridor October 2018



Building A Stairs October 2018

Horace Mann School



Exterior October 2018



Horace Mann School



Roof Repair August 2019



Roof Repair October 2019

Horace Mann School



Site Play Structure and Lunch Shelter October 2018



Site Play Structure and Lunch Shelter September 2020

2. Beverly Vista School

	February 2018	October 2021
ADA Drop Off	Not started	Complete
Site Improvements	Not started	Reconfiguration and Related projects complete

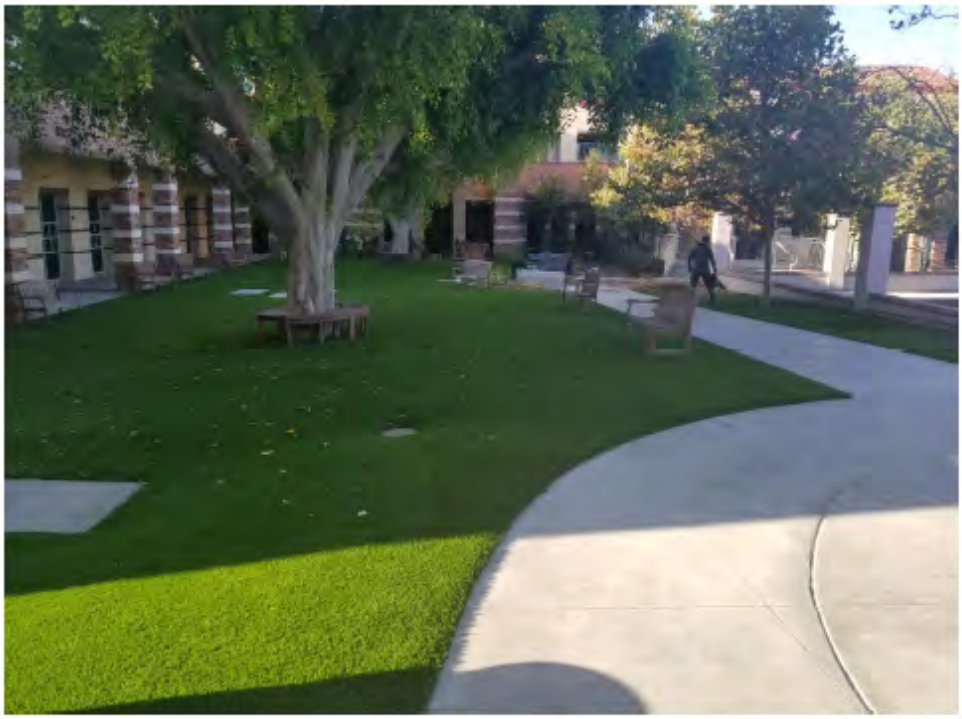
Beverly Vista School

- Beverly Vista School
  - ADA Drop-off
    Re-Design in accordance with City of Beverly Hills Standards in process
  - Reading Green
    Re-Bidding in process
  - Campus Security Camera Survey & Design
    In progress



October 16, 2018 32

Beverly Vista School



Reading Green Installation August 2019



Beverly Vista School



Dance Floor Install August 2019



Beverly Vista School



South Field June 2019

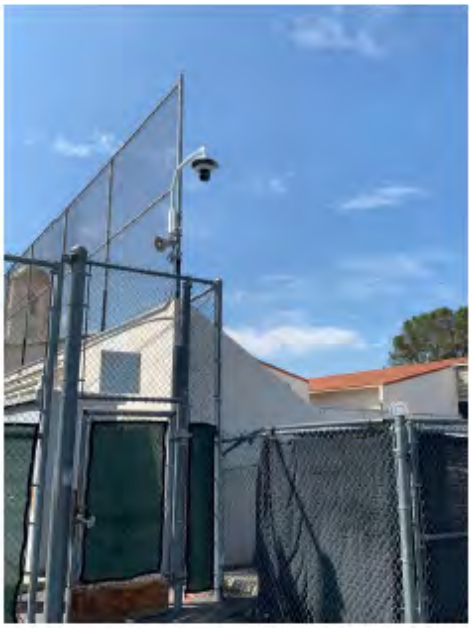


South Field After with Lunch Tables and Shade Structures September 2021

3. Hawthorne School

Hawthorne School	**February 2018**	**October 2021**
Auditorium Modernization	On Hold	On Hold
		Reconfiguration and related projects completed

Hawthorne School



Security Cameras Installation September 2019



Hawthorne School



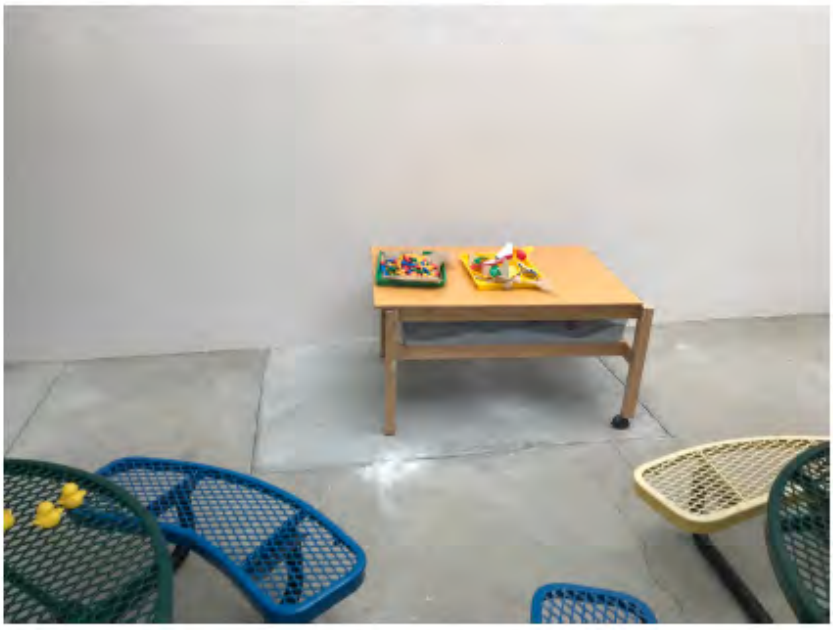
Vision Screen Installation September 2019



Hawthorne School



Water Fountain December 2018



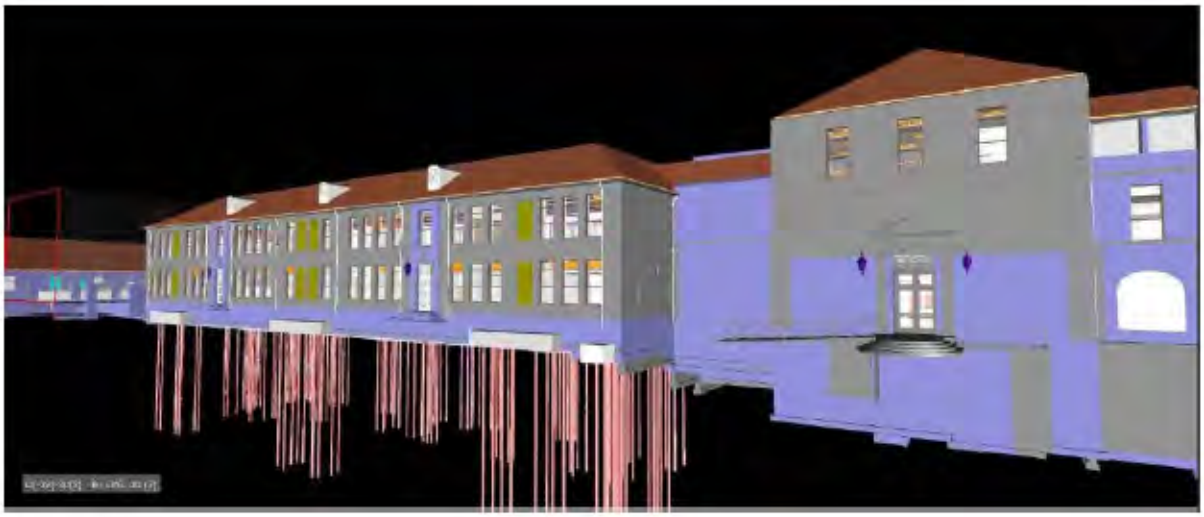
Water Fountain Removed September 2019

4. BHHS B1/B2 Modernization

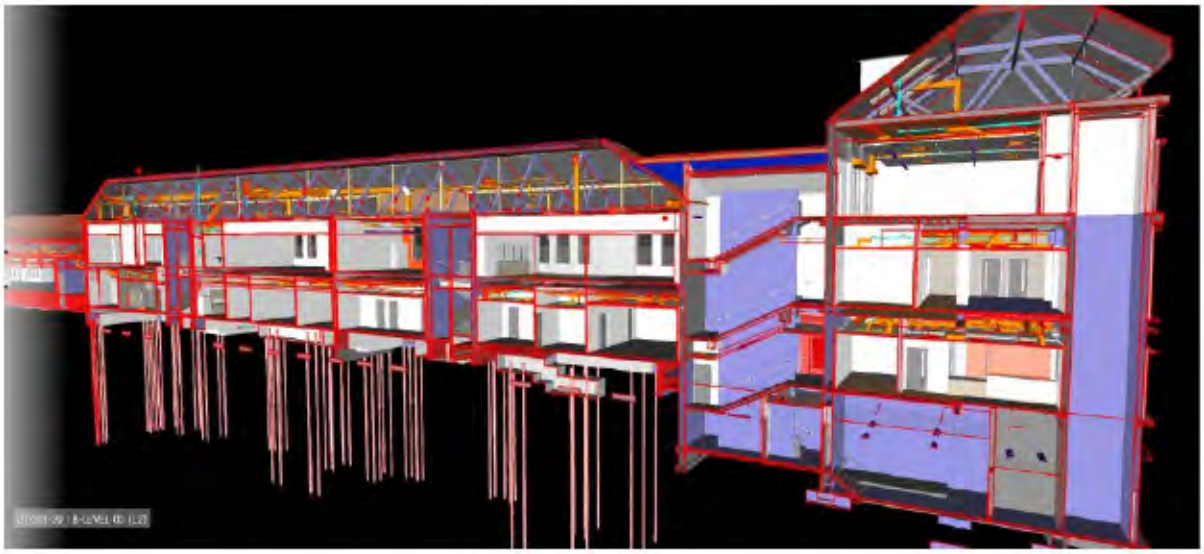
February 2018	October 2021
Design in DSA	Construction Complete/Building Occupied
DSA Approved Plans	$4.5M in Savings to District

Interim Housing	2015	2021
	37 Units	19 Units Removal In Process

Beverly Hills High School Building B1/B2



Micropile Exterior Rendering



Micropile Interior Rendering

Beverly Hills High School Building B1/B2



B1 Exterior September 2018

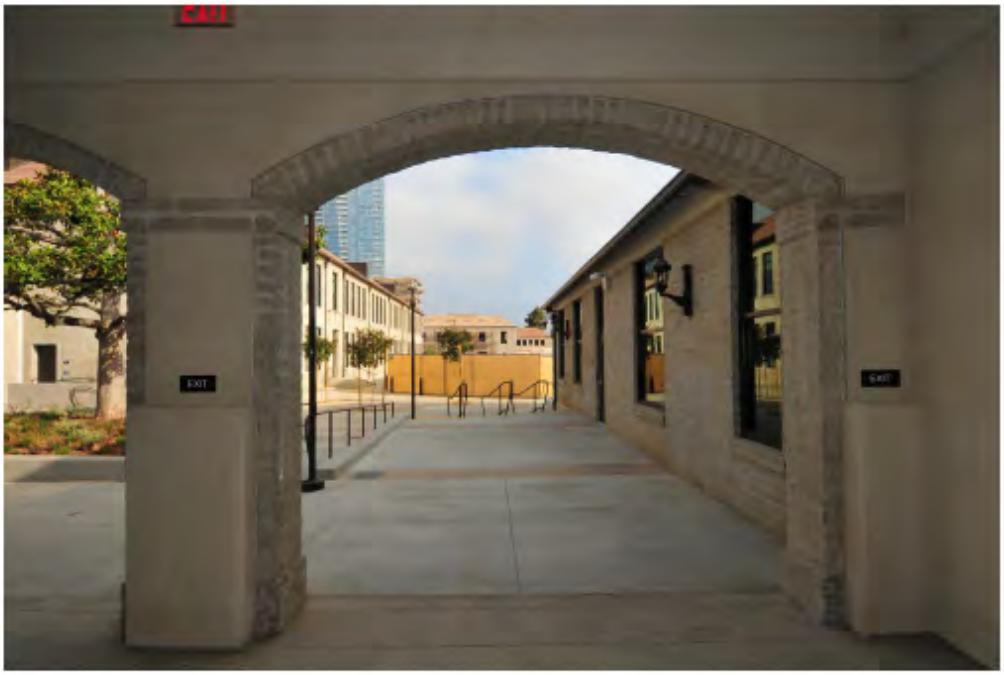


B1 Exterior June 2021

Beverly Hills High School Building B1



B1 Egress September 2018



B1 Egress June 2021

Beverly Hills High School Building B1



B1 Reading Room September 2018



B1 Reading Room June 2021

Beverly Hills High School Building B2



B2 Classroom September 2018



B2 Classroom June 2021

Beverly Hills High School Building B2



B2 Level 1 Corridor September 2018



B2 Level 1 Corridor June 2021

Beverly Hills High School Building B2



B2 Main Entrance September 2018



B2 Main Entrance June 2021

Beverly Hills High School Building B2



B2 Media Center September 2018



B2 Media Center June 2021

Beverly Hills High School Building B2



B2 Exterior September 2018



B2 Exterior June 2021

5. BHHS B3/B4 Modernization

February 2018	October 2021
Plans Submitted to DSA November 2017	Drawings Stamped by DSA November 15, 2019
	Construction 40% Complete

Beverly Hills High School Building B3



Auditorium September 2018



Auditorium October 2021

Beverly Hills High School Building B3



B3 Exterior July 2019



B3 Exterior October 2021

Beverly Hills High School Building B4



B4 Exterior July 2019



B4 Exterior October 2021

Beverly Hills High School Building B4



Choral Room July 2019



Choral Room October 2021

Beverly Hills High School Building B4



Music Room July 2019



Music Room October 2021

6. BHHS Building C and Aquatic Center

February 2018	October 2021
Design With 3-level Underground Parking - in DSA	Redesign With1-level Underground Parking Submitted to DSA 2-23-21 DLR Has Responded to One Round of Comments from DSA; Anticipating Second Round

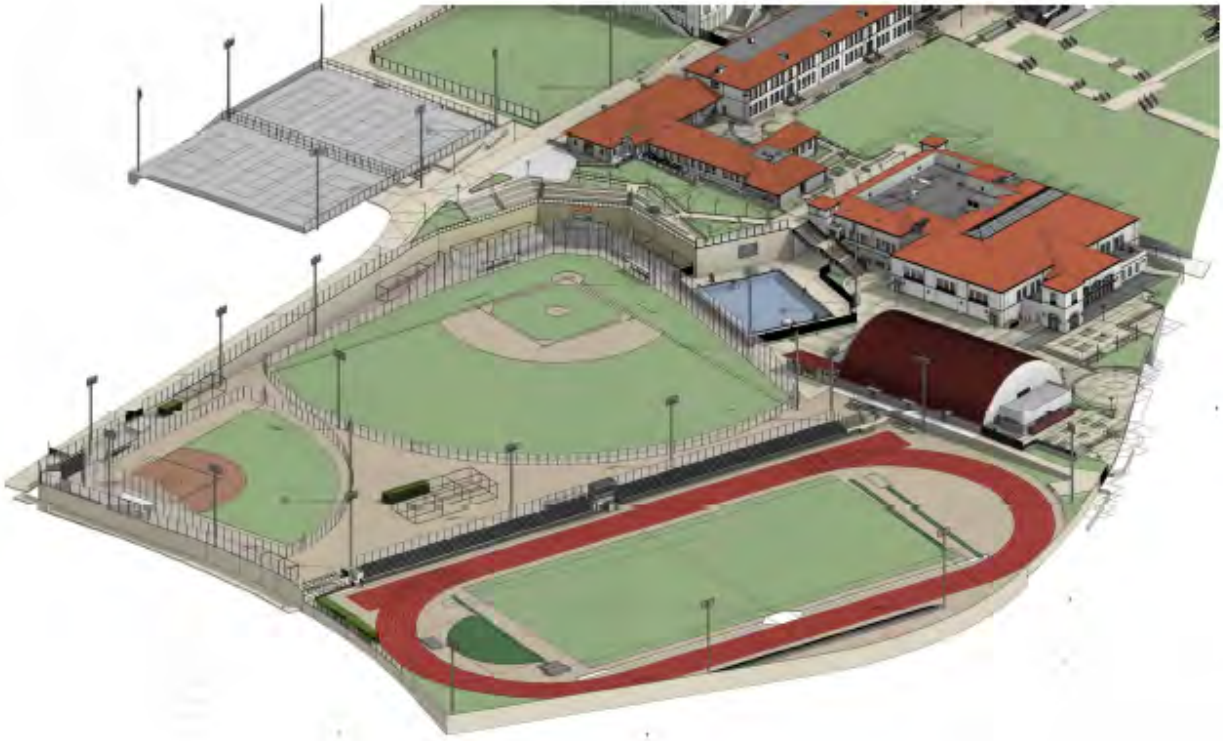

Building C / Aquatic Center Project
November 26, 2019
11


Building C / Aquatic Center Project
November 26, 2019
10

7. BHHS South Site Development/Modernization

February 2018	October 2021
Retaining Walls in Schematic Design Phase	Retaining Walls in DSA; Utilities Project Underway
DTSC Scope Not Defined	Remedial Action Workplan (RAW) Complete on Venoco Sites – Started on Rest of Campus

BHHS South Site



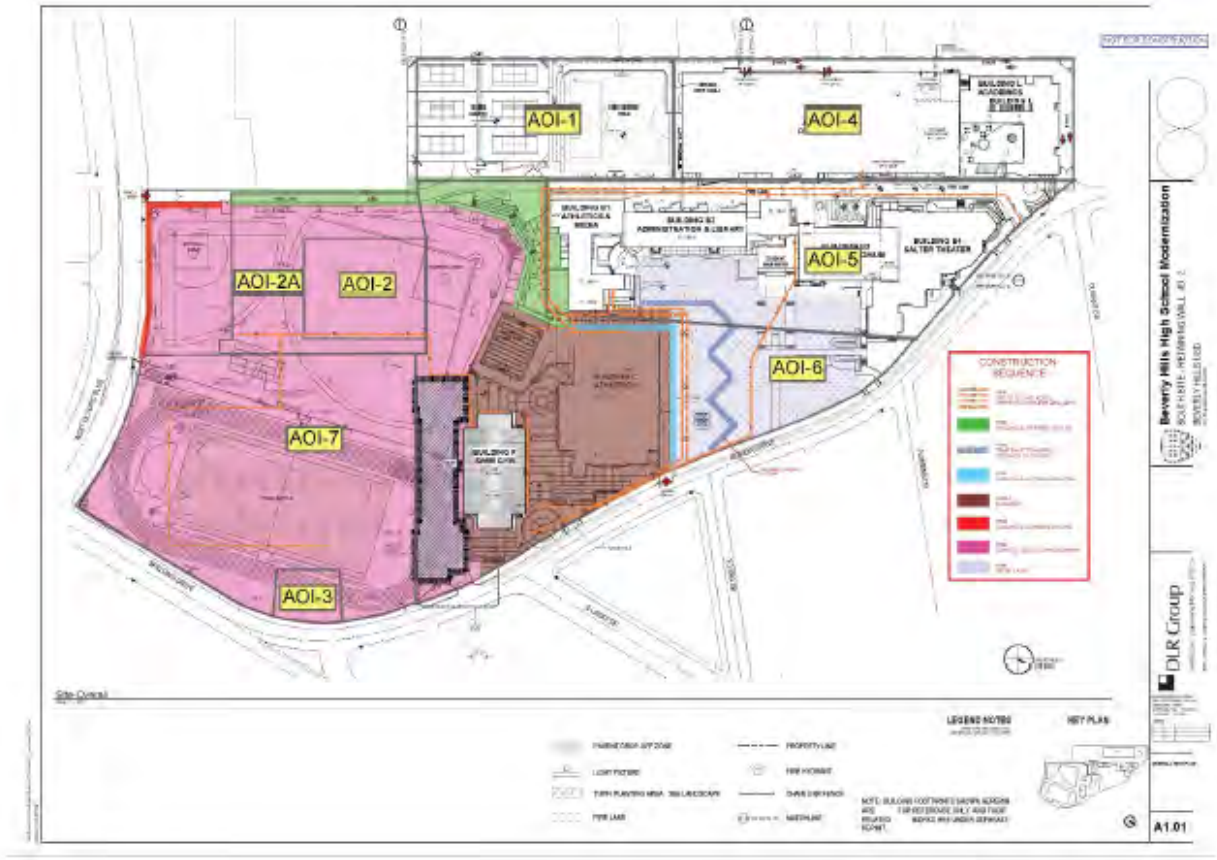
South Site Concept

BHHS South Site



South Site Concept

BHHS South Site



8.a. El Rodeo Modernization

February 2018	October 2021
Modernization of Buildings A B C D & E (in DSA)	Under Construction 40% complete
Site Improvements (in DSA)	Under Construction 40% complete
Elevated Parking and Playfield (on hold)	On Hold

8. b. El Rodeo Interim Housing

February 2018	October 2021
40 Units Occupied	40 Units Removed

El Rodeo School



Building A Auditorium April 2019



Building A Auditorium September 2021

El Rodeo School



Building B Classroom February 2020



Building B Classroom September 2021

El Rodeo School



Building C Classroom February 2020



Building C Classroom September 2021

El Rodeo School



Building D Classroom February 2020



Building D Classroom September 2021

El Rodeo School



Building D Hallway August 2020



Building D Hallway September 2021

El Rodeo School



Building E Admin Area August 2020



Building E Admin Area September 2021

El Rodeo School



Building E Classroom February 2020



Building E Classroom September 2021

El Rodeo School



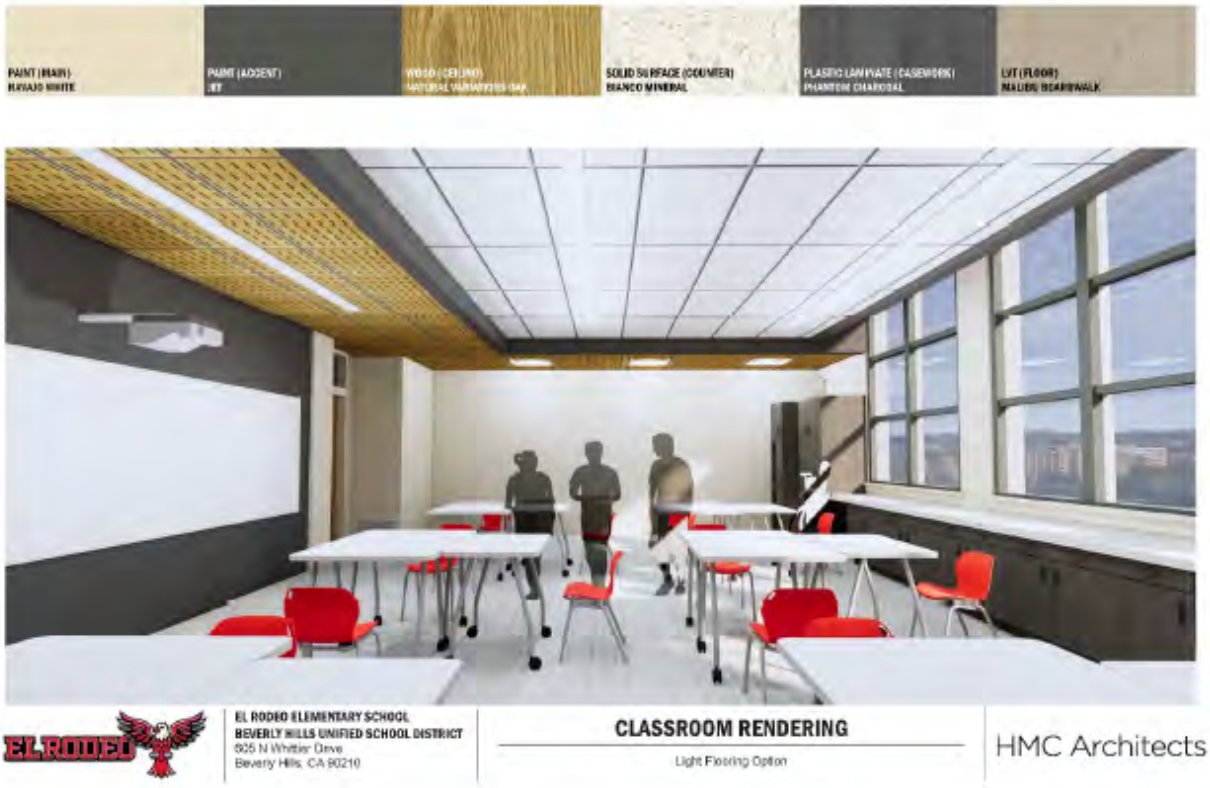
Entry View Rendering

El Rodeo School



Aerial View Rendering

El Rodeo School



Classroom Rendering

9. Oil Wells

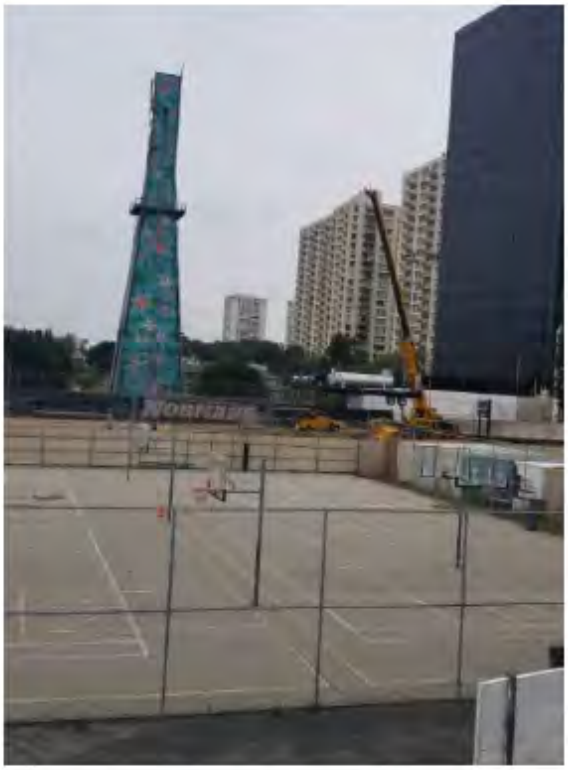
	February 2018	October 2021
Decommissioning 19 Venoco Oil Wells	Not Started	Completed

Oil Well



Beverly Hills High School 1928

Oil Well



Methane Flare Delivery July 2018



Methane Control Flare Installed. Oil Derrick Removed July 2018

Oil Well



Well Site August 2019



Well Site July 2021

10. Other Projects

	February 2018	October 2021
M&O Facility Relocation	Site Location TBD	Underway
BHHS Interim Housing	Occupied	Removal Underway
El Rodeo School Interim Housing	Occupied	Removed
MTA Oil Wells Wolfskill 23 and Rodeo 107	N/A	Abandoned to current standards
Swim Gym	N/A	Renovated

BHHS Swim Gym



August 2020

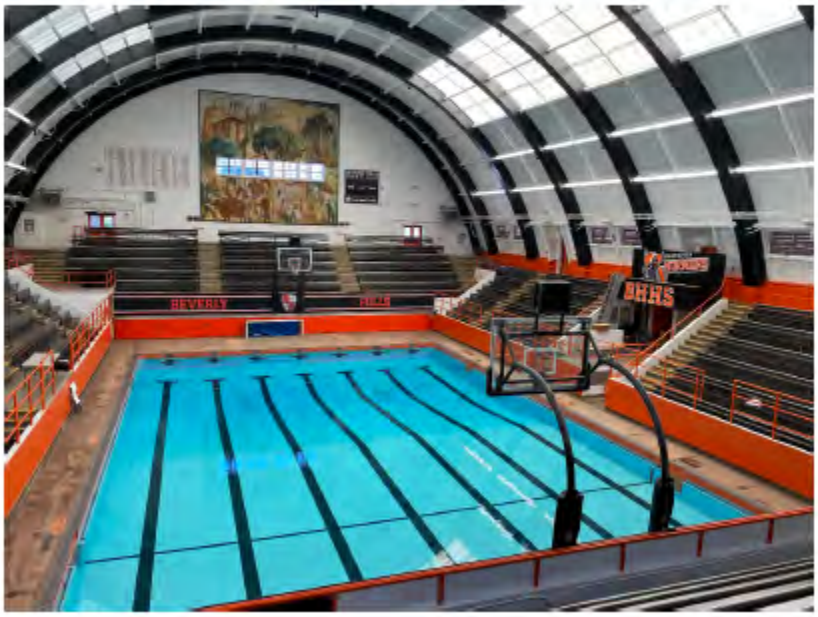


August 2021

BHHS Swim Gym



August 2020

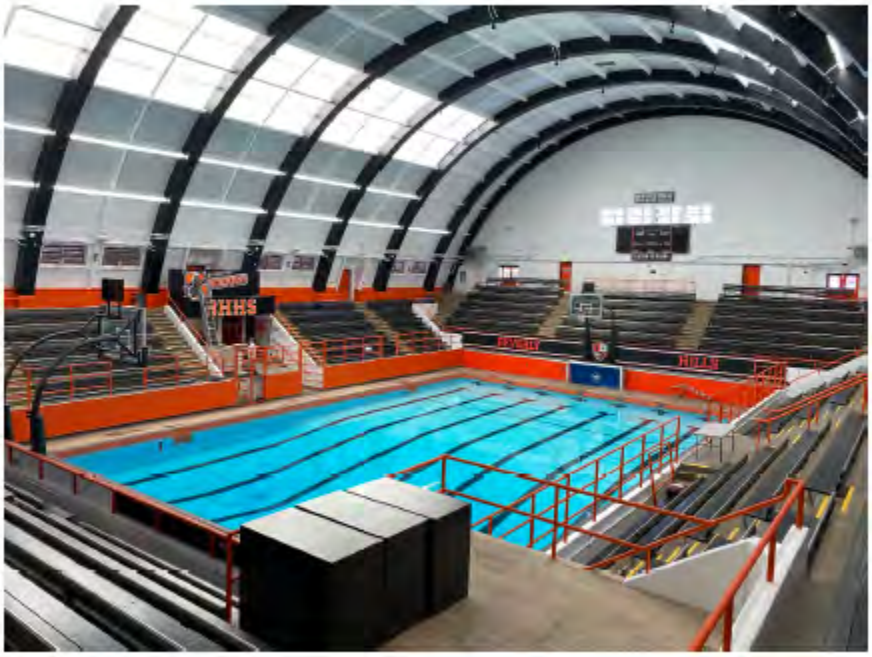


August 2021

BHHS Swim Gym

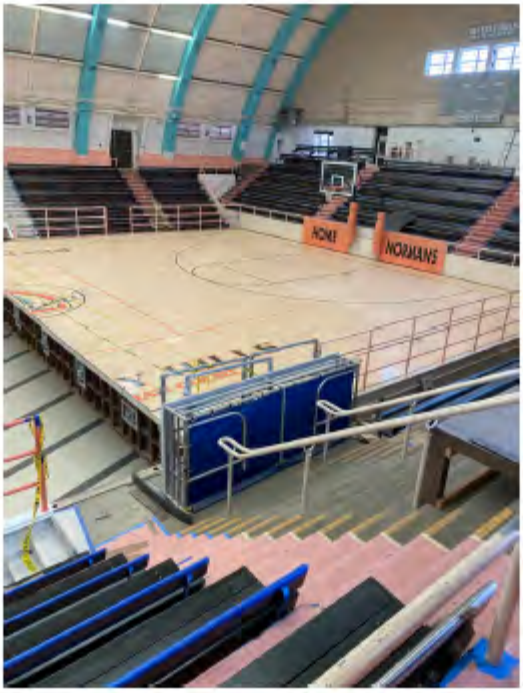


November 2020

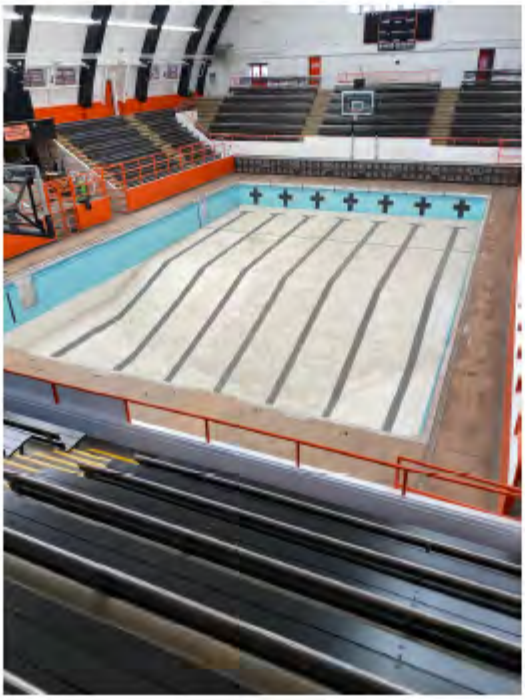


August 2021

BHHS Swim Gym



August 2020



August 2021

11. Instructional Technology

BHUSD February 2018 Facilities Master Plan Implementation Update includes $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 telecommunications

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 out year 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:

- 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).

12. Security Program

Overview

The BHUSD security program in 2021 presents a different reality than in years past - for the better. The District now boasts a Command and Control Center (C3) currently being piloted, located in the Science and Technology Center. The C3 is staffed and provides the District with real time monitoring and coordination with security personnel, cameras, zoned PA system, access control system, secure communications, crisis response, and drills and training. The District now has an approved Security Policy Manual which unifies security protocols and procedures within the District and outlines security objectives and standards. This policy was created by the security program over the last year and it is now approved and in place. In addition to that, the District's incident command software, LOOP, is in development and being tested in the C3.

Security Highlights

1. New Construction Design The security program is integrated with new construction design teams and works with architects, the lease-leaseback contractor, TCDS, and District departments. This collaboration allows for the security program to recommend and design industry best security standards with new construction. This approach has allowed for an additional 200 cameras to be resourced and designed in new construction. There is now a District standard for PA requirements.

2. On-Going Security Operations The C3 uses an agile development process that works with administrators to improve security related responses based on lessons learned. The C3 assists with event specific security needs as well as day-to-day security operations around the district. The personnel in the C3 have assisted with investigation support for security related incidents and provides timeline, camera footage, and other key information required. The District's incident response protocols are in line with Observe, Orient, Decide, Act (OODA) LOOP methodology that fosters quick decision making while understanding the situation can evolve rapidly.

3. B1/B2 Live Roll Out The security program worked in conjunction with BHHS staff to ensure a seamless rollout of the new access control system as well as other new technologies. The design of the District's new badge and access card was developed with input from the District. The C3 has issued badges for multiple District departments and provides access control support as needed.

4. Training and Drills The C3 is finalizing the Standard Operating Procedures (SOPs) that provide a playbook for specific security incidents. These SOPs provide clear and concise guidance to all parties involved in a specific situation. These SOPs guide training exercises and allow the

District to evaluate its readiness and provide action items to improve. The security program is assisting BHHS with its great shakeout drill and preparing for a comprehensive lockdown drill. In 2022, the C3 will work with the District office to provide a 3-year training plan for all schools.

5. Secure Encrypted Communications BHUSD now has one of the more advanced communications packages in the country. This system has secure encrypted communications that prevents unintended parties from hearing any radio traffic on a secure channel. This system also provides GPS locations of all users and allows for coordination during crisis events or routine security patrols. The Trbo Net platform also has a secure mobile app that allows other staff and administrators access to the secure network.

6. Access Control The security program is working towards the District becoming a "keyless" campus. The security team conducted due diligence on various systems and ultimately recommended the Salto Wireless System. This system is an end-to-end fully integrated solution that provides audit logs, near real time lock down capability, and over the air programming of control cards. The security team works hand in hand with Netronix and the lease-leaseback contractor to ensure the installation and programming of the system is done correctly and integrated into the C3. This system is now live in B1B2 and designed for El Rodeo and B3B4. The security team is scoping the cost and details to retrofit Beverly Vista and Horace Mann with the Salto system.

C3 POWERED BY LOOP

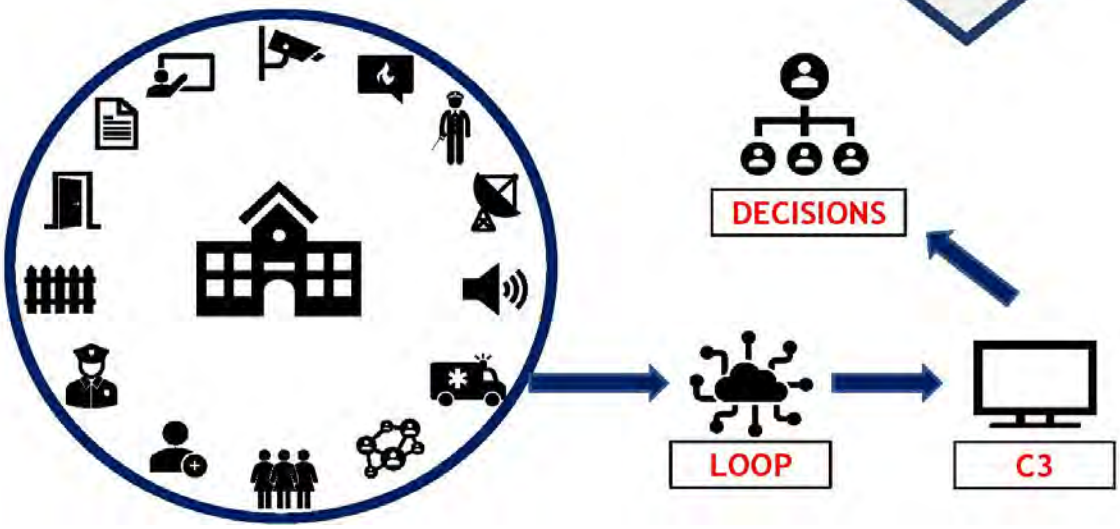
BHUSD's full spectrum solution that allows our students, teachers, and staff to focus on learning while being safe

The Command and Control Center (C3) powered by LOOP software, is BHUSD's realistic solution to modern threats our schools face. This approach focuses on all systems and components that an educational organization must have to keep their personnel safe. There is no band-aid approach to solving this problem, there is no one tool or system that can defeat school violence. The C3 powered by LOOP, integrates technology systems, best security practices, training, and key security components into a centralized location, designed solely to make informed decisions, in near real time.

To make informed security decisions, key administrators must have real time information from critical security components. The LOOP software integrates these systems and provides key information on one system. This allows the Command and Control Center to push guidance and resources in the best manner, during a crisis.

C3 COMPONENTS

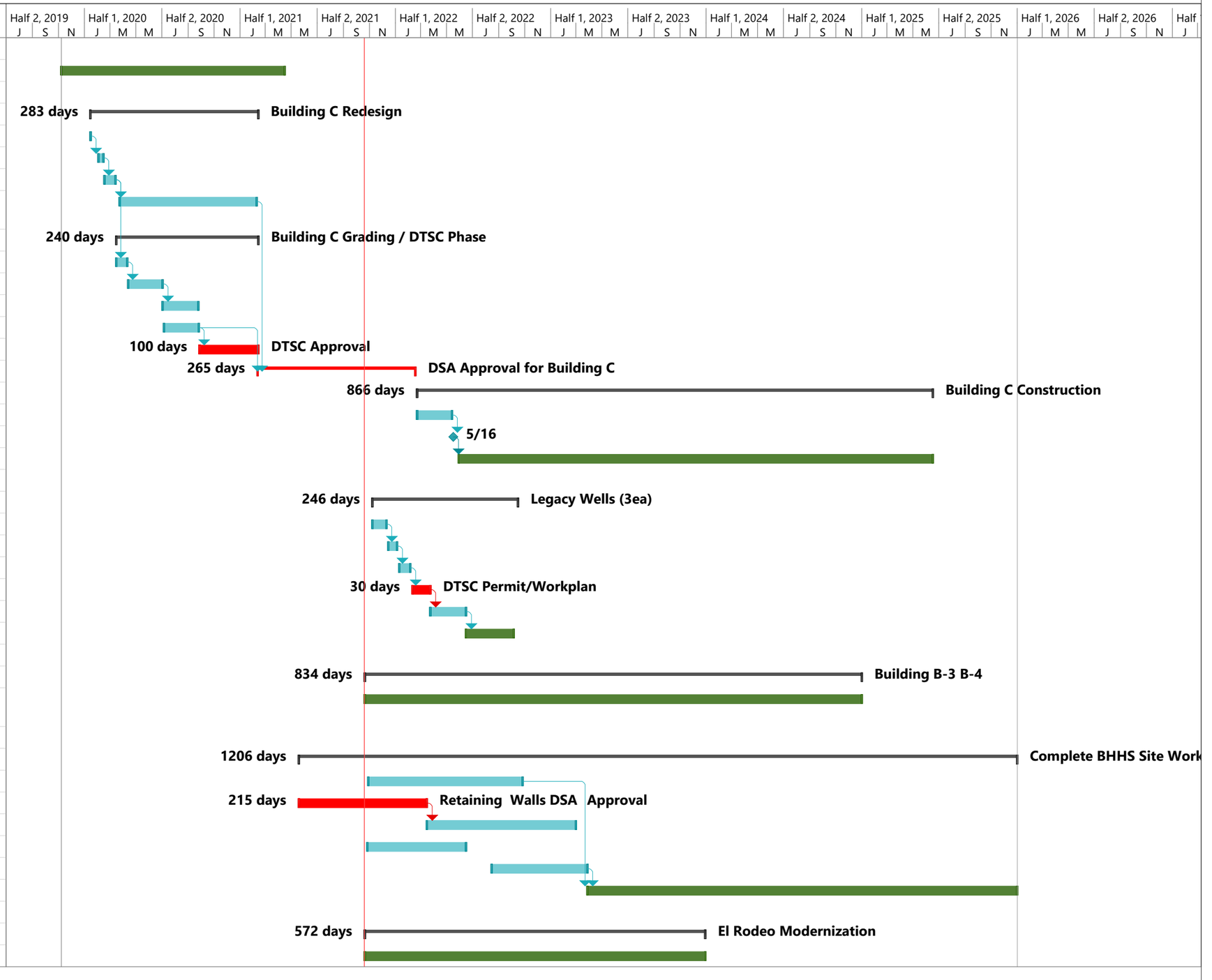
- CAMERA MONITORING
- FIRE ALARM
- SECURITY FORCE
- SECURE COMMUNICATIONS
- PA ZONING
- EMERGENCY RESPONSE
- SOCIAL MEDIA MONITORING
- COMMUNITY TIPS AND ENGAGEMENT
- VISITOR MANAGEMENT SYSTEM
- LAW ENFORCEMENT COORDINATION
- PERIMETER SECURITY
- ACCESS CONTROL SYSTEM
- UNIFORMED POLICIES AND PROCEDURES
- TRAINING ON SECURITY PROTOCOLS



Wed 10/20/21

Currrent Projects Estimated Schedules

ID	Task Name	Start	Finish
1			
2	**B1/B2 Remaining Construction**	Fri 11/8/19	Thu 4/15/21
3			
4	**Building C Redesign**	**Wed 1/15/20**	**Fri 2/12/21**
5	Bldg. C ATP to Redesign	Wed 1/15/20	Wed 1/15/20
6	Analyze Parking Level Options	Mon 2/3/20	Fri 2/14/20
7	Finalize Design/Parking	Mon 2/17/20	Fri 3/13/20
8	Prepare Revised Construction Documents	Tue 3/24/20	Mon 2/8/21
9	**Building C Grading / DTSC Phase**	**Mon 3/16/20**	**Fri 2/12/21**
10	Geotech and Hazmat Survey	Mon 3/16/20	Fri 4/10/20
11	Civil Plan Development	Mon 4/13/20	Thu 7/2/20
12	DTSC Permit Development	Fri 7/3/20	Thu 9/24/20
13	Construction Grading Documents	Mon 7/6/20	Fri 9/25/20
14	DTSC Approval	Mon 9/28/20	Fri 2/12/21
15	**DSA Approval for Building C**	**Thu 2/11/21**	**Wed 2/16/22**
16	**Building C Construction**	**Mon 2/21/22**	**Mon 6/16/25**
17	Competitive Bidding for LLB	Mon 2/21/22	Fri 5/13/22
18	Notice to Proceed	Mon 5/16/22	Mon 5/16/22
19	Budgeted Constriction Duration	Mon 5/30/22	Mon 6/16/25
20			
21	**Legacy Wells (3ea)**	**Mon 11/8/21**	**Sat 10/15/22**
22	Investigate/Locate wells	Mon 11/8/21	Fri 12/10/21
23	Test for Emissions	Wed 12/15/21	Tue 1/4/22
24	Develop Remediation Plan	Mon 1/10/22	Fri 2/4/22
25	DTSC Permit/Workplan	Thu 2/10/22	Wed 3/23/22
26	Competitive Bidding	Thu 3/24/22	Wed 6/15/22
27	Well Remediation (construction)	Thu 6/16/22	Wed 10/5/22
28			
29	**Building B-3 B-4**	**Thu 10/21/21**	**Tue 12/31/24**
30	Current Schedule (Pending Finial PGMP)	Thu 10/21/21	Tue 12/31/24
31			
32	**Complete BHHS Site Work**	**Wed 5/19/21**	**Wed 12/31/25**
33	Utility Modernization	Fri 10/29/21	Wed 10/26/22
34	Retaining Walls DSA Approval	Wed 5/19/21	Tue 3/15/22
35	Retaining Walls	Wed 3/16/22	Tue 2/28/23
36	Venoco Restoration	Wed 10/27/21	Wed 6/15/22
37	Site Work DSA Approval	Mon 8/15/22	Mon 3/27/23
38	Site Work	Tue 3/28/23	Wed 12/31/25
39			
40	**El Rodeo Modernization**	**Thu 10/21/21**	**Fri 12/29/23**
41	Current Schedule	Thu 10/21/21	Fri 12/29/23



M. PROJECTED CASH FLOW TO COMPLETION MAJOR PROJECTS

	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	
BHHS B1 B2	$4.5M					
BHHS B3 B4	$27.6M	$27.6M	$21M			
BHHS Bldg C	$7M	$37.8M	$37.8M	$37.8M		
BHHS South Site	$16M	$34.6M	$34.6M	$34.6M		
El Rodeo	$38M	$38M	$19M			
Technology Districtwide	$2.5M	$2.5M	$2.5M	$2.5M		
Security Program	$2.85M					
Venoco Wells	$7M					
Legacy Oil Wells	$31.2M					
TOTAL	$136.65	$140.5M	$114.9M	$74.9M		$466.95M

N. HOW MUCH MONEY IS LEFT?

Measure E

Revenue as of 8-27-2021	$ 369,818,296
Commitments as of 8-27-2021	($361,650,035)
Remaining Balance	$ 8,168,261

Measure BH

Revenue as of 8-27-2021	$ 162,589,582
Unsold Bonds	$ 225,000,000
Total Revenue	$ 387,589,582
Commitments as of 8-27-2021	($237,548,558)[7]
Remaining Balance	$ 150,041,024

Combined Revenue

Combined Revenue	$ 757,407,878
Combined Commitments at 8-27-2021	($599,193,593)
Uncommitted Balance	$ 158,214,285

Commitments to 10-21-2021	
Measure E	($ 82,975)
Measure BH	($ 624,021)
Uncommitted Balance	$157,507,289

Projected Additional Revenue		
SSMP (B3B4)	$16,000,000	
Interest (E)	$ 1,000,000	
Interest (BH)	$ 3,500,000	$ 20,500,000
		$178,007,289

[7] Includes $13.6M for technology

O. REMAINING PROJECTS

	Current Price
El Rodeo Final PGMP 7	$6,707,238
BHHS B3 B4 Final PGMP	?

	February 2018 Budget	22% Escalation to 2021
Bldg C & Aquatic Center	$74,841,760	$91,306,947
BHHS South Site Improvements	$63,240,000	$56,652,800
South Site Underground Utilities	N/A	$13,500,000
South Site Design and Engineering • Retaining Walls • Ball Field • Perimeter Fencing	N/A	$ 7,000,000
Venoco Restoration	N/A	$ 7,490,000
Legacy Wells	N/A	$32,100,000
	$138,306,947	**$214,756,985**

P. REMAINING PROJECTS WITH ESCALATION

	Current Prices	20% Escalation to 2023	10% Escalation to 2024
Bldg C & Aquatic Center	N/A	$109,568,336	$120,525,170
			Current Cost Estimate
Remaining South Site Improvements		$ 67,983,360	$ 99,500,000
South Site Underground Utilities (Authorized)	$ 13,500,000	N/A	N/A
South Site Design and Engineering • Retaining walls • Ball Fields • Perimeter Fencing	$ 7,000,000	N/A	N/A
			10% Escalation to 2024
Venoco Restoration	$ 7,000,000	$ 8,400,000	$ 9,240,000
Legacy Wells	$ 32,100,000	$ 38,520,000	$ 42,372,000
Sub-Total		$249,071,696	$271,637,170
10% Contingency		$ 24,907,170	$ 27,163,717
TOTAL	**$59,600,000**	**$273,978,866**	**$298,800,887[1]**

[1] If all projects were bid in 2024, the total would be $307,587,687

Q. VARIABLES

Possible Additional Revenue	Additional Cost/Time
El Rodeo SSMP	Construction of Bldg C – What else do we find in the dirt when we start digging? Retaining Walls Sequencing Demolition of Konheim and construction while keeping swim gym operable DTSC Requirements on BHHS Site Legacy Wells – If required to abandon to CALGEM standards
Eminent Domain – legal fee reimbursement	
	Soils Condition
	Reengineering – DSA requiring more robust structures
	DTSC evolving requirements, e.g. if we dig a trench, can we use the dirt elsewhere on the site or does it need to be hauled away?
	Venoco cleanup from water spill
	Market Conditions. Supply Chain Disruption Labor Shortages 22% Cost Increase – additional 20% for 24 months

R. SUMMARY

The question is: How far does the District proceed in continuing the sequencing of the following BHHS South Site Improvements?

- Modernizing underground utilities
- Obtaining DTSC clearance
- Obtaining CalGem clearance by abandoning the three legacy wells
- Starting construction on Bldg C and dealing with unknowns as they come
- Once Bldg C can be occupied, moving programs and demolishing Konheim
- Building out athletic fields. . .

. . . realizing that once construction starts on the retaining walls, which have to be completed before construction can start on Bldg C, the BHHS site will be significantly more disrupted, and the projects cannot be completed with current funding.

Recap: Uncommitted Funds		$178,007,289
Cost Estimate for Remaining Projects		($307,587,687)
	Total	($129,580,398)

Section 4

BOND PROGRAM
ROLES AND RESPONSIBILITIES

A. BOARD OF EDUCATION
B. SUPERINTENDENT
C. ASSISTANT SUPERINTENDENT BUSINESS SERVICES
D. CITIZENS' BOND OVERSIGHT COMMITTEE
E. BOND MANAGER; CONSTRUCTION AND FACILITIES DEPARTMENT
F. DESIGN PROFESSIONAL
G. DIVISION OF STATE ARCHITECT (DSA) AND INSPECTOR OF RECORD (IOR)
DSA Inspector of Record (IOR)
H. TESTING LABORATORY
I. CONTRACTOR

A. BOARD OF EDUCATION

The Board of Education (BOE) recognizes that one of its major responsibilities is to provide healthful, safe and adequate facilities that enhance the instructional program. The BOE shall endeavor to make the provision of adequate school facilities a priority in the District. Because schools serve as a focal point for the community, 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, and 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
- 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, the preparation of competitive bids, requests for qualifications (RFQs) and/or requests for proposals (RFPs), the issuance of advertisements for such competitive bids, RFQs and/or RFPs, to review bids submitted by contractors and/or vendors, to act as or designate a hearing officer for responsibility hearings and bid protest hearings, to select review and interview panels for RFQ and/or RFP selection processes, to paper screen all responses to the District's RFQs and RFPs, to conduct interviews by the selection panels, to conduct post interview discussions and negotiations with top candidates, to 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, to 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 $175,000, 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. Consultant agreements above $175,000 shall be approved by the BOE prior to execution.

- **Construction Change Orders**

During construction of school facility projects, changes may likely 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, which do not exceed ten percent of the original contract. Change orders, which exceed ten percent of the original contract, shall be approved by the BOE before execution.

- **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 $175,000, all subject to ratification by the BOE. Amendments, which exceed $175,000, 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 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.

D. CITIZENS' BOND OVERSIGHT COMMITTEE[1]

The Citizens' Bond Oversight Committee (CBOC) reviews expenditures and is responsible for oversight of Measure E and Measure BH funds 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 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.

The CBOC pursues five primary goals in order 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

[1] Resolution No. 2008-2009-014 Establishing the COC and Amended and Restated Citizens Bond Oversight Committee Bylaws, Amended August 10, 2021 are included in Appendix A.

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; and
- Reviews the District's school building repair funding plan comprised of local and state bond funds and other funding sources.

E. BOND MANAGER; CONSTRUCTION & FACILITIES DEPARTMENT

The District has hired Team Concept Development Services, Inc. (TCDS) to operate the C&FDF&CD during the course of the Measure E and Measure BH bond program utilizing Owner Managed Services[2]. These services provide for budget and schedule development, maintenance, and oversight to mitigate District risk during the course of achieving the goals of the Facilities Master Plan.

The Bond Manager 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 general public accesses information through the BHUSD website.

The Bond Manager 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 Manager provides facilities needs assessments, and develops and updates a Facilities Master Plan, and develops and updates an Implementation Plan for the Facilities Master Plan

The Bond Manager currently provides capital funding oversight through Measure E and Measure BH bond management and pursues local and state funds, incentives and grants for all applicable capital projects. The department completes, files, and tracks applicable state forms, submittals and requirements to obtain continued compliance.

The C&FD tracks square footage, room utilization and capacity to be used in the pursuit of state funding, assists and partners with the instructional technology and maintenance departments for capital projects, and provides access to construction drawings, product specifications, and warranty information for repair and minor construction purposes.

F. BOND MANAGER

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.

[2] TCDS, Inc. Owner Managed Construction Program (see Appendix B)

Throughout the bond program, status reports are developed by the bond manager 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 manager is responsible for bond program development and administration related to the following program phases:

Programming and Planning Phase

- Develop and Implement the program master plan; it is anticipated that the Implementation Plan for the Stretegic and Long-Term Facilities Master Plan will be updated and approved by the Board of Education when significant changes occur, in the judgment of the Bond Manager, but no less often than annually.
- Develop and implement the master plan scope
- Develop a prioritization plan;
- Develop a master schedule for each component of the program;
- Prepare a program budget based on information provided by the District on the work required for all the projects identified as part of the program; and
- Develop a management information system to assist in establishing and maintaining communications among the District, the bond manager, 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 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; and
- 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

The bond 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 and maintain a management team on site to provide program management as a representative of the District and to establish and implement coordination and 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, substitutes 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 Department of Industrial Relations (DIR);
- Coordinate technical inspection and testing provided by the design professionals or others. The bond 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 manager 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; and
- *Construction*--designer inspects the on-going construction to ensure that the project is built according to design, answers requests for information after review by the bond manager about the design, and, ideally, works with the bond manager and contractor to solve design and construction issues.

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

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 manager to provide DSA-approved inspectors of record (IORs) to conduct inspection services in accordance with DSA procedures and requirements throughout all phases of the project[3].

I. TESTING LABORATORY

As specified by project, a testing laboratory is hired by the District to provide testing and inspection services. The bond manager 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 manager 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 manager 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 C)

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 in hard copy files, electronically within software systems, and on the District server. As documents are compiled or created they are scanned for electronic storage on the District server. Hard copies are then 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 conventional files and electronic files. Physical documents are date stamped upon receipt, then scanned before being securely placed in hard copy file folders and uploaded to the server.

3.Conventional Files

Hardcopy files remain available for easy day-to-day team access to active projects. This conventional filing system maintains bond administration files by:

- Year
- Project
- Vendor

4. Electronic Files

Electronic files are used instead of conventional files whenever possible. All District e-files are stored on department servers. When computers and laptops are used to generate documents or photographs, these items are then uploaded to the District server. Electronic files are uploaded to project files (or all-district 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:

- Administration
- Agreements/Contracts
- State Documents
- Other Government Documents
- Plan & Design Development and Use (for plans and specifications)
- Bidding
- Construction
- Testing & Reports
- Commissioning
- Furniture

- Procore (end of project electronic archives)

5. Department and District Servers

The C&FD 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 resource data to develop status reports, and maintain information for future resourcing needs, such as new projects under development and financial audits.

6. Communications

Communications are made via phone and emails 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 using hardcopy lists, within software programs, and via transmittals which are used to document the formal transfer of information.

9. Document Archives

Document hardcopies are archived in a secure room and location. Also, when required, a backup of project files is placed on electronic drives and stored along with the hard copies. Project hardcopy 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; and

- Other permanent records.

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. The District is also in the development of a new security program. As this project moves from the planning stage into implementation, the District will undertake security projects.

C. PROGRAM ADMINISTRATION

1. Software

For program administration, the 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:

- 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 CBOC
- *Microsoft Office* for general administrative use

2. Files and Archives

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

3. Communication

For program administration, the F&CD 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 Management[1]

A combination of lists, documented communications, and tracking forms provides a reference for protocol adherence and assignment of responsibility on procedures.

6. Board of Education Approvals

a. 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 (Read Only.) 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) **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.

(2) **Open Session**

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

- Hearing
- Discussion
- Reports
- Consent
- Action

a. 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
- Cash Collection Report
- Warrant Report
- Purchase Order List
- Staff appointments

b. Action Items

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

[1] Project and Fraud Avoidance Checklist included in Appendix E

- Award
- Acceptance
- Ratification
- Resolution[2]
- Emergency Resolution
- Selection
- Determination
- Amendment
- Rejection
- Denial

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.

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.

[2] 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.

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, applications for payment, 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 allow tracking of potential impacts to the project.

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 traditional hard copy project files and 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, documented communications, and hardcopy tracking forms provide documentation for protocol adherence. [3]

8. Document Control

[3] Project and Fraud Avoidance Checklist is included in Appendix E

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
- Punch lists
- Closeout
- Warranties
- Inspections

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 on the basis of 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 Board of Education whenever a requested Board action would affect 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) utilizing CFS Internet Access software (CFSInternetAccess);
- BEST software;
- Procor*e*; and
- Microsoft Project.

Financial accounting is accomplished using BEST and CFS Internet Access to maintain auditable financial records that track funding sources, budgets, encumbrances (committed costs), and expenditures. Components of the system are used daily to record financial data. Reports are prepared to reflect the updated budgets, committed (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 D.*

A time tracking system has been implemented for those employees not fully dedicated to the bond program to ensure all costs incurred are identifiable and have a beneficial relationship to the bond program.

CFS Internet Access is a powerful web-based project tracking and reporting tool that electronically uploads and reconciles financial transactions from the District's Los Angeles County Office of Education financial system, BEST , into CFS IntemetAccess.

The ability of CFS Internet Access to electronically upload and reconcile financial data eliminates the need for District staff or consultants to manually enter these transactions twice: once into PeopleSoft and then again into another software platform. Through a thorough analysis and upload process, all BEST transactions are reflected in CFS InternetAccess on a cumulative basis. In addition to uploading all warrants and purchase orders, CFS InternetAccess reconciles fund deposits, transfers, and journal entries.

CFS InternetAccess does not change any of the District's internal controls and accounting procedures that are set up by the District and its BOE with regard to approving contracts, issuing purchase orders, and paying warrants. CFS InternetAccess simply uploads and reconciles the most accurate data that has already been vetted and entered by District staff into BEST into a variety of useful reports and tools.

The CFS InternetAccess platform provides District staff with ten dynamic reports including: I) Revenue Report; 2) Budget Report (tracks multi-year budgets by fund & object code); 3) Expenditure Report (State 50/06 Report); 4) Encumbrance Report (tracks POs and contracts; 5) Vendor Report; 6) Transaction Report (tracks resources within funds); 7) Funding Activity (a checkbook reconciliation of each fund); 8) Overview Report (a project summary report); 9) CBOC Report (a program summary report; and 10) Budget View Report (a robust report that tracks each project by site, scope and status).

In addition, CFS InternetAccess provides District staff with ongoing support services including: preparing Citizens' Bond Oversight Committee reports, state expenditure reports for state eligible projects, periodic cash flow reports, budget and funding tracking services as well as staff training and fund reconciliation services.

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

Project budgets are developed by the Bond Manager, and the Bond Manager coordinates with CFS to ensure entry to CFS InternetAccess at the beginning of each month, or more often if deemed necessary by the Bond Manager.

Budget line items are coded using the California Standardized Account Code Structure (SACS). The Bond Manager uses detailed reports from BEST Financial (FIN), BEST InfoAdvantage and CFS InternetAccess to manage project budgets by line item. Most reports to the BOE, CBOC and public are summaries of individual codes.

Every effort is made so that financial data in BEST and CFS InternetAccess matches, however timing of data entry into PeopleSoft and uploading into CFS InternetAccess may mean that there are differences in the systems. Discrepancies between the two systems are reconciled and corrected.

4. Program/Project Management Controls

The Bond Manager 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 is accomplished by using CFS InternetAccess to manage project budgets, day-to-day project financial transactions and provide cost forecasting. CFS InternetAccess includes control procedures and systems to track the decisions regarding budgets and budget changes so that staff can proactively prevent or fund any budget shortfalls caused by cost overruns.

CFS InternetAccess is also used to develop cost forecasts and track them against budgets, encumbrances and expenditures over a timeline. Cost management uses cash flows, 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. In the Schematic Phase, a forecast is based upon the schematic scope. At the design development phase and construction document phase, a 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 Manager. 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. Individual trends, either up or down, may not immediately result in a project cost variance from budget because there are many factors that can affect the project forecast including the degree of certainty associated with the trend and the availability of contingency funds.

Section 7

PROCUREMENT

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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 its 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 agreement;
- Use of "sole source" contracts without proper justification;
- Use of prequalification standards in specifications to unnecessarily exclude otherwise qualified contractors;
- Dividing requirements to qualify for small-purchase procedures to avoid scrutiny for contract review procedures of larger purchases (bid splitting).

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 criticality of the purchasing activity. Example: If the selection of the purchase approach was dictated by time constraints, then appropriate notations in the procurement file should be made which identify concerns related to time. In simple terms, buyers should maintain a diary of the events and decisions that lead up to and complete the purchase transaction, providing a timeline and history of the actions and decisions made throughout the procurement process.

c. Take Notes

Buyers should make notations of meetings held and decisions made, and create a phone log to record phone conversations impacting the procurement effort. Maintaining consistent, high quality file documentation helps the transaction to be easily understood by a reader who is unfamiliar with the event and makes documents easy to locate.

4. Public Project Definition

For a school district, a public project is defined in the Public Contract Code, Section 22002 as: Construction, reconstruction, erection, alteration, renovation, improvement, demolition, and repair work involving any publicly owned, leased, or operated facility; painting or repainting of any publicly owned, leased, or operated facility. A public project does not include maintenance, defined as: routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purpose, minor repainting, resurfacing of streets and highways at less than one inch, and landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

5. Types of Procurement

- Procurement for public projects, which must be competitively bid if they involve expenditures of $15,000 ($60,000 or more if CUPCCAA);
- Procurement for public projects under $200,000, which can be procured through a competitive process under the California Uniform Public Construction Cost Accounting Act (CUPCCAA);
- Procurement for the lease or purchase of capital equipment, materials, supplies or services, except construction services, and repairs that are not public projects, which involve expenditures less than $50,000 as adjusted annually (as of 2021 $96,700), which can be procured using a request for quotation and purchase order process;
- Procurement for lease or purchase of capital equipment, materials, supplies or services, except construction services, and repairs that are not a public project which, if they involve expenditures of $50,000 or more as adjusted annually (as of 2021 $97,600) must be

competitively bid;

- Procurement which is not required to be competitively bid, e.g., emergencies, certain technology services and equipment, change orders less than ten percent of the original contract, piggyback agreements, purchases on the California Multiple Award Schedules (CMAS), cooperative purchase agreements, energy conservation and energy management work, and professional services.

B. PROCUREMENT METHODS

1. Public Projects

a. Competitive Bid

The first legal requirement to consider when contracting for goods or services is whether the work must be competitively bid. Contracts for public projects must be competitively bid if they are over $15,000, unless a District adopts the California Uniform Public Cost Accounting Act (CUPCCAA), which increases the bid limit for public works to $200,000. The competitive bid process is one in which a district publishes bid specifications and contractual provisions which all of the bidders must meet. The notice inviting the bids must be sufficiently detailed, definite and precise so as to provide a basis for full and fair competitive bidding upon a common standard and must be free from any restrictions tending to stifle competition.

If any bidder does not meet all of the material bid specifications or agree to all of 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 capable contractors are allowed to bid on a specific project. Prequalification is most important for special work whereby a firm without the required experience may struggle to perform the project successfully and may pose a risk of failure. Under certain circumstances, prequalification applies to a general contractor and a subcontractor. Prequalification of bidders is authorized by Public Contract Code (PCC), Section 20111.5. A prequalification process is required if the contract value is over $1,000,000 and is funded in whole or part with State bond funds.

The prequalification process approved by the Board of Education by Resolution No. 2017-2018-007 (Appendix G) on September 26, 2017 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 for 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: Advertise as a formal bid. Ensure the prequalification packet and due dates are included in the formal bid package.

Step 5: Upon receipt of the prequalification packages), make a list of packages received. Make a copy of the package for mark-up and keep originals as received by the District.

Step 6: Complete the prequalification review sheet for each package/contractor. This sheet is a document that lists the criteria with a box to indicate how the questions have been answered. Use the scoring sheet to develop a pass or fail score.

Step 7: 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 days prior to the 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 8: 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 9: Double check the review sheet and have it checked by a colleague. Create a list of passes/fails.

Step 10: 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 11: 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 Manager.

(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, a notice calling for bids, stating the work to be done or materials or supplies to be furnished and the time and the place where bids will be opened. 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 bidder):

- 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, but in no event 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.

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) Construction Contract Award

Step 1: The bids will be received by the District's Purchasing Department and reviewed by the Bond Manager. The District's Purchasing Department will develop a Bid Recap Sheet (a list of bidders and their bid amounts). The bid recap sheet will be reviewed and compared to the bid documents by the Bond Manager. The apparent lowest responsible bidder will be recommended to the Board of Education by the Bond Manager, and the determination will be entered into the Consolidated Procurement Activity Report, (See Appendix E)

Step 2: Bids will be made available for review upon a contractor's written request to the District (per Public Records Act).

Step 3: 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 4: The bid protest process and period will be managed by the Bond Manager.[1]

Step 5: Bond Manager processes an agenda item for recommendation of the "Lowest Responsive, Responsible Bidder" for approval by the BOE. Prior to posting the board item, the list of bidders, and their bids and the Consolidated Procurement Activity Report will again be reviewed to ensure the apparent low bid is being presented to the BOE for award.

Step 6: The morning after the BOE meeting, the "approval of bid #" will be posted on the District website.

Step 7: The day following BOE approval**,** the "notice of intent to award" will be drafted. The following items will be required: Three copies of the agreement to be signed with the

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

total amount entered on each copy, certifications for general liability insurance with the District as the additional insured, auto liability insurance, and workers compensation insurance, with the proper endorsements, a performance bond in the amount of 100 percent of the total bid and a payment bond in the amount of 100 percent of the bid.

Step 8: The notice of intent to award is then sent to the contractor, and a copy is placed in the hardcopy project file, and also scanned into the electronic project file.

Step 9: Agreement(s), performance bond (100%), and payment bond (100%) must be submitted within five days of receipt of notice of intent to award.

Step 10: Once all items are reviewed, checked off by initialing and dating, a "Notice to Proceed" letter is generated for signature by the Superintendent.

Step 11: Two copies are made of the entire package, one for the purchasing department and one for the project file and scan a copy into the electronic project file. The Notice to Proceed letter is then sent via email and USPS to the contractor.

Step 12: A requisition is then drafted which initiates the process for a purchase order.

b. Emergency Exception

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.

An emergency resolution is used when there is an emergency situation that permits a public agency to enter into contracts for public work projects without competitive bidding when the total cost exceeds $15,000. PCC Section 20113 defines 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. In this case, the BOE may, by unanimous vote, with the approval of the county superintendent of schools, do either of the following: 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 authorize the use of day labor or force account for the purpose.

c. Public Policy Exception

The purposes of competitive bidding statutes are to secure economy in the construction of public works and the expenditure of public funds for materials and supplies needed by public bodies; to protect the public from collusive contracts; to exclude favoritism and corruption and to promote competition among bidders to ensure that all public contracts are secured at the lowest cost to taxpayers.

However, where competitive bidding proposals do not produce an advantage, a statute requiring competitive bidding does not apply. The law in California on this point holds that where competitive

bidding works an incongruity and is unavailing as affecting the final result, or where it does not produce an advantage or it is practically impossible to obtain what is required and observe such forms, then competitive bidding may be dispensed with.

When change orders exceed ten percent of the original contract price, the BOE, by resolution, may find that this exception applies and approve the change orders.

d. Alternative Competitive Bid Process—CUPCCAA

The Uniform Public Construction Cost Accounting Act ("Act") was created to promote the uniformity of cost accounting standards and bidding procedures on construction work performed or contracted by public entities in California. The Act raises the formal bid thresholds for public entities to $200,000 and sets forth specific informal and formal bidding procedures for projects below that threshold.

On January 26, 2016, by Resolution No. 2015-2016-013 the BOE adopted CUPCCAA procedures,[2] and by Resolution No. 2015-2016-14 adopted informal bidding procedures also on January 26, 2016.[3] The State Controller was notified on and accepted the District's election to become a participating member of CUPCCAA on February 24, 2016.[4]

CUPCCAA allows for the following:

(1) Public projects of $60,000 or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(2) Public projects of $200,000 or less may be let to contract by informal procedures as set forth below.

(3) Public projects of more than $200,000 shall be let by formal bidding procedure with the exception that if all bids received are in excess of $200,000, the BOE may, by passage of a Resolution by a four-fifths vote, award the contract at $212,500, or less, to the lowest responsible bidder, if it determines the cost estimate of the District was reasonable.

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 are asked to submit a request including specific information to the District for inclusion in the District CUPCCAA master list. The required information includes:

[2] Resolution No. 2015-16-13 is included in Appendix F

[3] Resolution No. 2015-16-14 is included in Appendix F

[4] Welcome letter from the State Controller is included in Appendix F

- The name and address to which a notice or request for quotation should be mailed;
- A telephone number at which the contractor can be reached;
- The type of work in which the contractor is interested and for which they are currently licensed; and
- The class of license(s) he/she currently possesses .

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

After this Master List is created, the District must provide all contractors on the Master List with notice for each contract exceeding $60,000 to be bid in their categories of work at least ten calendar days before bids are due.

Obtaining proposals for construction projects that fall under the informal bid limit of $60,000.00 is as follows:

Purchasing Thresholds	Purchasing Process
$0.00-$44,999.99	Solicitation of at least two (2) written proposals for the project. The project will be awarded to the contractor or vendor whose proposal is most fair, reasonable and responsible. Any project with a value greater than $25,000.00 requires a payment and performance bond per California Civil Code Section 3247 et seq.
$45,000.00-$59,999.99	Solicitation of at least three (3) or more written proposals for the project. The project will be awarded to the contractor or vendor whose proposal is most fair, reasonable and responsible. Any project with a value greater than $25,000.00 requires a payment and performance bond per California Civil Code Section 3247 et seq.
$60,000.00 and above	Informal bidding process.

When procuring through CUPCCAA, the Bond Manager will ensure that processes are followed by adhering to the CUPCCAA checklists (Appendix C) and adding each project to the consolidated bid and procurement activity report.

e. Emergency 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, et seq. In the case of an emergency, a CUPCCAA district may, by four-fifths vote of its governing body, 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. The BOE must make a finding, based on substantial evidence set forth in the minutes of the meeting, that the emergency will not permit a delay to allow for a competitive solicitation for bids, and that the action is necessary to respond to the emergency. The Board may also delegate the authority to order any action authorized in the case of an emergency by resolution and a four-fifths vote.

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. In a CUPCCAA district 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.

Effective January 1, 2007, PCC section 20118 was amended to clarify 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, an agency purchase order may allow for a public works component only when it is incidental to the overall project requirements, describing "incidental" as meaning that the total dollar value of all services included in a purchase order must not exceed the dollar value of the products. This definition appears to mean that 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.

d. Contracts for Purchases Under $50,000 (as adjusted--$$96,700 for 2021) for materials and supplies, and services except construction services.

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 $19,999.99	At least one (1) written proposal, but more is optimal to save on pricing. Requisitions must include all information obtained (Verbal quotes should have company name, items requested, and amount listed on the requisition).
2. $20,000.00 to $49,999.99	At least two (2) written proposals must be obtained. The Bond Manager retains authority to deem the proposal "fair and reasonable" and solicit additional proposals if pricing is not deemed "fair and reasonable".
3. $50,000.00 - $96,699.99	At least three (3) written proposals must be obtained. The Bond Manager will select the vendor who has submitted pricing that is deemed lowest, reasonable and most responsive.
4. $96,700.00 and above	Formal bidding process.

*** 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).

e. Creating Requisitions/Purchase Orders

The C&FD creates a requisition in the BESTPeopleSoft 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.

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 PeopleSoft Requisition Desk Manual and Approver Manual).

The requisition shall be electronically approved by the site administrator and the business fiscal services.

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:

(1) Quantity needed.

(2) Unit (each, dozen, set, etc).

(3) Complete description of the item being ordered, including stock number and ISBN numbers, if available.

(4) Category (use the drop-down tab to determine the category of the item ordered.)

(5) 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 2019). 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.

How to Request a New Vendor in BEST

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

(1) Ask the vendor if its company accepts purchase orders.

(2) 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)

(3) Send the W-9 to the Purchasing Department. {Purchasing cannot enter a vendor in the system without a W-9.)

(4) Supply Purchasing Department with phone number, fax number, contact name and email if known.

(5) Email or send information to purchasing. The FP&D 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 Management Team. Signed invoices are sent to the Asst. Supt. of Business Services for approval and forwarding to Accounts Payable; applications for payment are routed to the Superintendent

and the Asst. Supt. of Business Services for approval and forwarding 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 in the BHUSD terms and conditions, and instructions to the vendor. The purchase order is faxed or e-mailed 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 $175,000

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 $175,000, 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.

The committee, which is chaired by the Bond Manager, may include board members, a representative of the CBOC, Executive Director of Construction and Facilities , and the Assistant Superintendent 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 RFQ.

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 Manager 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 Manager. 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 Manager will receive and log in all documents.

Step 4: Formation of a Selection Committee

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

The chair will notify the committee members of their selection and the schedule for the interviews.

The chair or designee 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 selection criteria of:

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 Manager 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 Manager 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: Board of Education Approval

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

Step 8: Requests for Proposals

The professional services firms/consultants approved in step 7 will submit a fee proposal based on their understanding of the scope of work. The Bond Manager 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 end result will be a proposal that is balanced and appropriate for the proposed scope.

In the event a fee cannot be negotiated, the Bond Manager 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 9: Board Approval

Once a proposal has been accepted by the Bond Manager, 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 Manager.

Step 10: 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 Manager.

b. Professional Services Under $175,000

For services under $175,000, utilizing a competitive solicitation process Request for Qualifications (RFQ) or Request for Proposals (RFP) is optional at the discretion of the Bond Manager. 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 $175,000. Such agreements will then be ratified by the BOE. For

professional services above $175,000, 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 DISTRICT[5]

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 and lease-leaseback.

1. Design-Bid-Build

Design-Bid-Build (DBB) is the traditional construction delivery method used to complete construction projects in the public sector. 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, the District. 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.

The District retains responsibility for monitoring the GC's performance by hiring inspectors of record and usually retains the architect to provide administration of the construction phase.

2. Lease-Leaseback

The lease-leaseback approach is to select an organization, commonly referred to as the developer-contractor, to develop a new building or improve buildings on property the

[5] ACCM Project Delivery Handbook, A Guide to California School and Community College Facility Delivery
Link: http://www.accm.com/documents/ACCMProjectDeliveryHandbook-2018Edition.pdf

District owns. A common mechanism is to simultaneously execute two lease documents, a site lease and a facilities lease. A site lease of the property gives the developer-contractor the right to develop the project. A facilities lease gives the developer-contractor the obligation to develop the project and to lease the improvements and the site back to the District. The District owns the improvements when the project is completed and the lease is terminated.

The statutes authorizing this approach are very broad and, therefore, many variations and different approaches to lease-leaseback have been refined. Different districts and their attorneys have used or allowed different approaches to financing, if any; and selection of the developer-contractor, design responsibility, lease terms, and method of selecting trade contractors. This flexibility is the main attraction for lease-leaseback.

Under lease-lease back, the contracted entity may provide design assistance or hold the complete design responsibility. The Contractor is responsible for construction with some or all design accountability.

Preconstruction work by the developer-contractor up to the time of signing of leases is sometimes conducted under a preliminary services agreement, although some attorneys draft leases that are signed immediately and then amended as design and pricing are developed. Some attorneys draft leases providing for pre-construction services, even design responsibility, with language that calls for an amendment to give approval for construction to proceed including setting the date of completion and the guaranteed maximum price.

The District retains responsibility for monitoring the contractor's DSA compliance by hiring an inspector of record (IOR). The District has contracted with the Bond Manager to provide IOR services. The District retains the architect to provide administration of the construction phase.

Section 8

CONSTRUCTION ADMINISTRATION

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- **2. Design Professional**
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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 Manager

In the Construction Administration process, the Bond Manager is the designated representative of the District and has primary responsibility for communicating with the Contractor(s). The Bond Manager will handle all matters relating to the contract within the limitations set forth in this manual and the contract documents. The Bond 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 Bond Manager will not give direction to subcontractors. The Bond 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, the Facilities Construction Committee 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 Superintendent 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 DSAbox.

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: 1. Plan Review 2. Construction Oversight 3. 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, including, but not limited to, that 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

c. 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 13-01[1]: Construction Oversight Process. This form outlines the responsibilities and procedures of DSA during the construction process.

d. DSA Accepted Project Labs:

The testing lab for the project must have DSA acceptance through DSA's Laboratory Evaluation and Acceptance Program[2] 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.

e. DSAbox

DSAbox 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.

[1] DSA PR 13-01 Procedure: Construction Oversight Process (see Appendix c)

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

DSA box allows internal and external stakeholders to share, view and collaborate in real time in one location on the web[3]. Forms which historically were mailed, processed and filed in a cabinet can now be posted online in a matter of seconds, providing significant 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".

f. 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

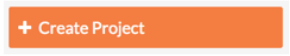
Use the Project Creation Assistant to add a new project. Following are the steps:

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

[3] Access to DSAbox Information & Instructions can be found at https://dsabox.app.box.com/s/cddhjymdms4v9vtc6ft5/folder/1111639287

Launch the Project Creation Assistant

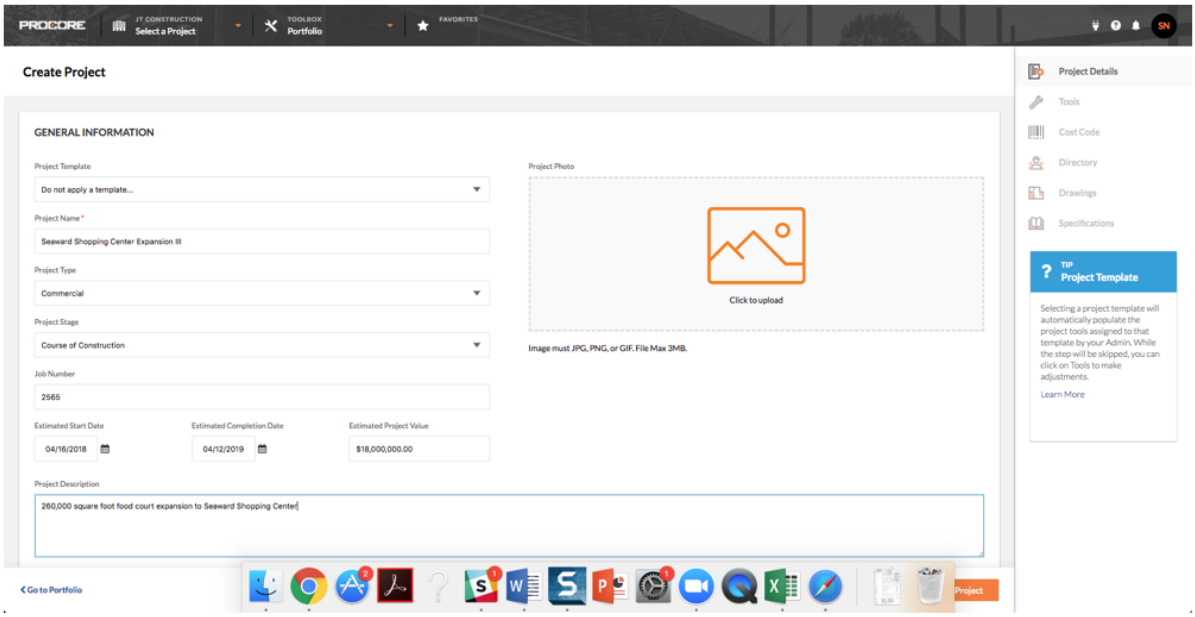
1. Navigate to the company's **Portfolio** tool.
   This reveals the Portfolio page.
2. Click **Create Project**.



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:



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.

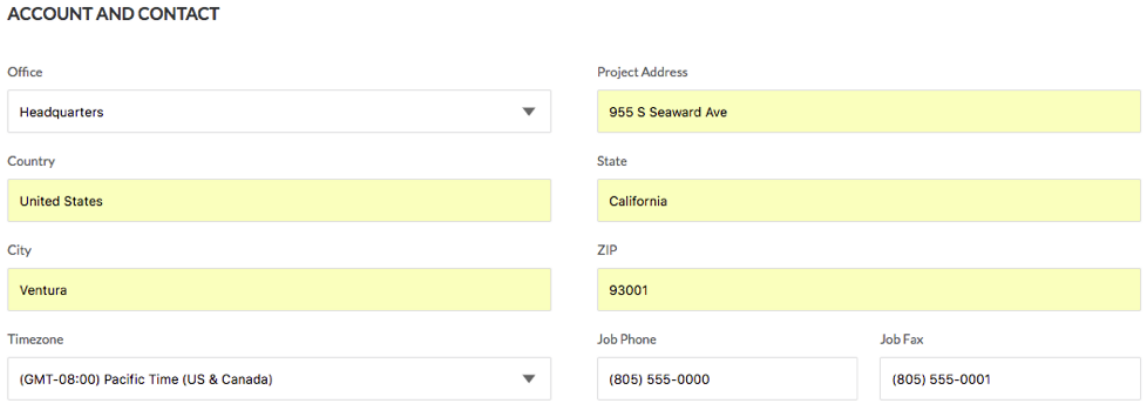
g. **Estimated Start Date**. Select the project's anticipated start date. Later, you can compare this date with the 'Actual Start Date.' *Note*: The 'Actual Start Date' field will inherit the 'Estimated Start Date' value that you enter here, unless you upload a project schedule. See Upload a Project 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:



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.

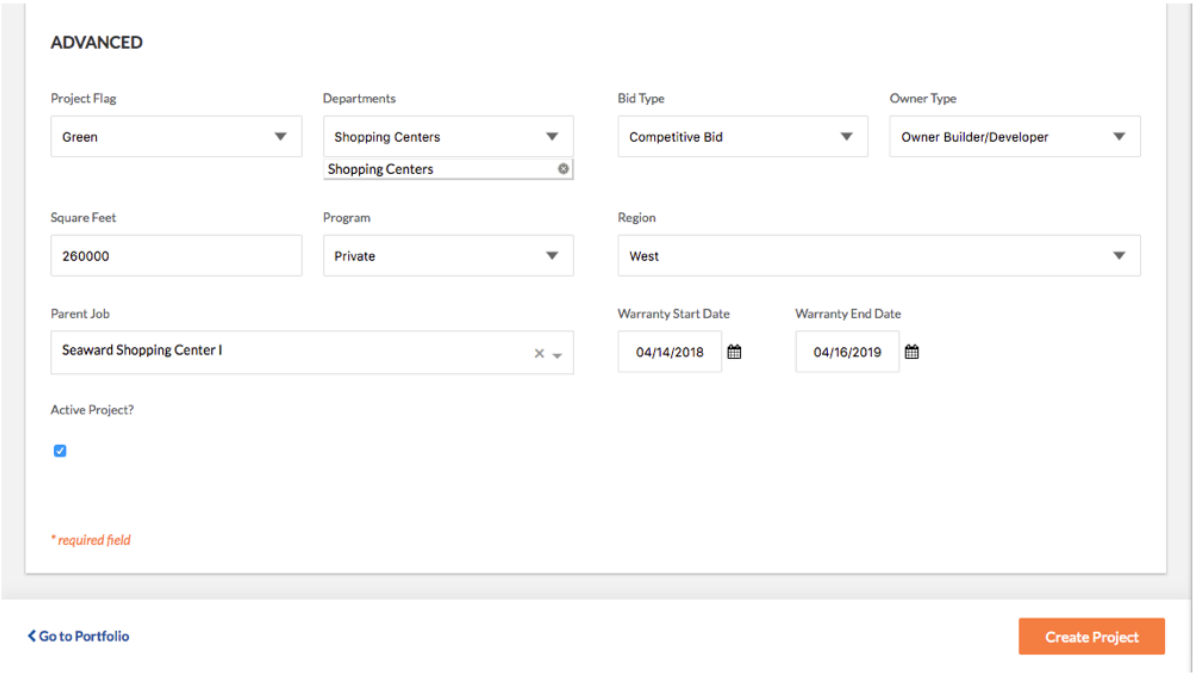
e. **ZIP**. Enter the ZIP/postal code.

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:



a. **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).

b. **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.

c. **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.

d. **Owner**. Select the owner type from the list. These selections are created with the company's Admin tool. See Add a Custom Owner Type.

e. **Square Feet**. Enter the project's square footage.

f. **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.

g. **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.

h. **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?

i. **Warranty Start Date**. Select the start date for the construction contract warranty.

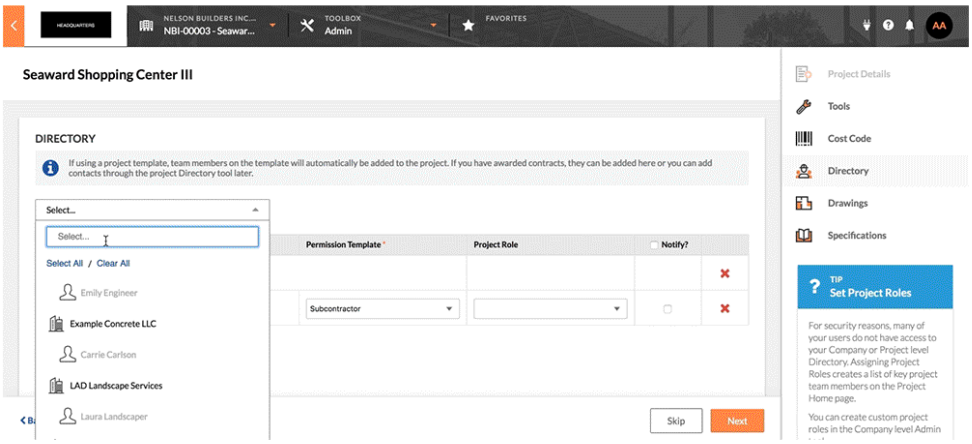
j. **Warranty End Date**. Select the end date for the construction contract warranty.

k. **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*.

5. Click **Create Project**.
   This button turns GREY and becomes unavailable for further use.
6. 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

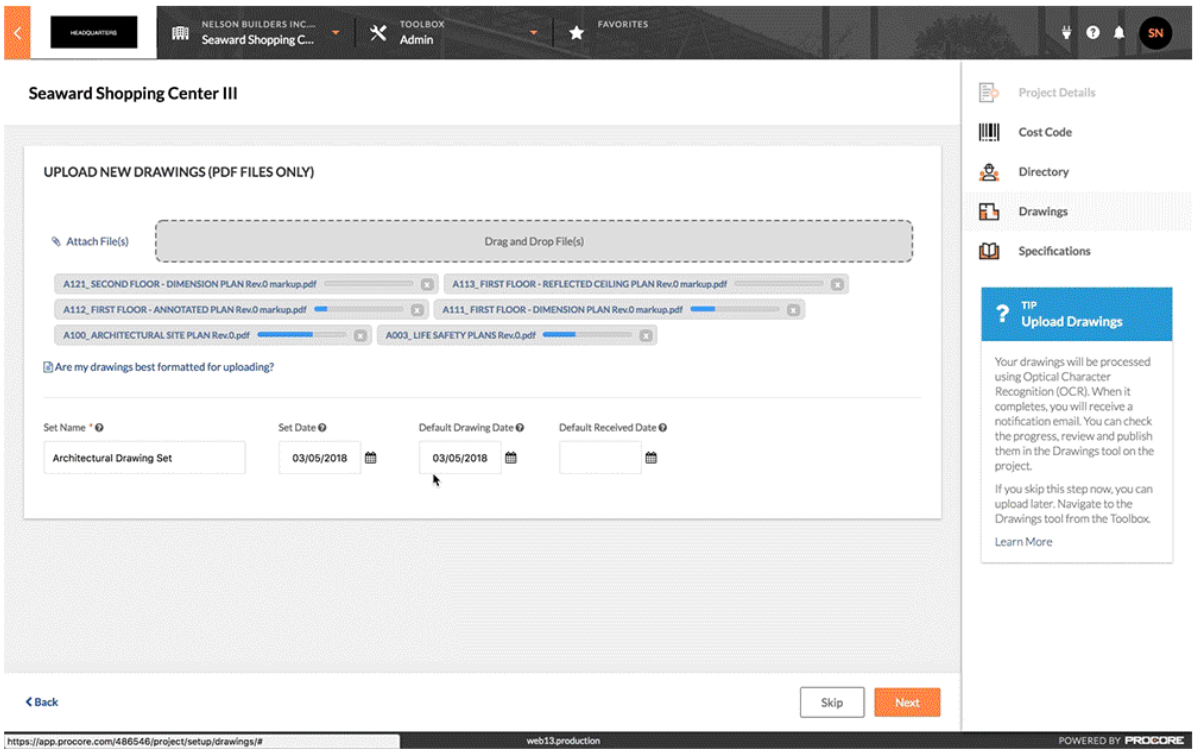
1. Make sure **Directory** is highlighted in the right sidebar.
   This reveals the Directory page.



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:



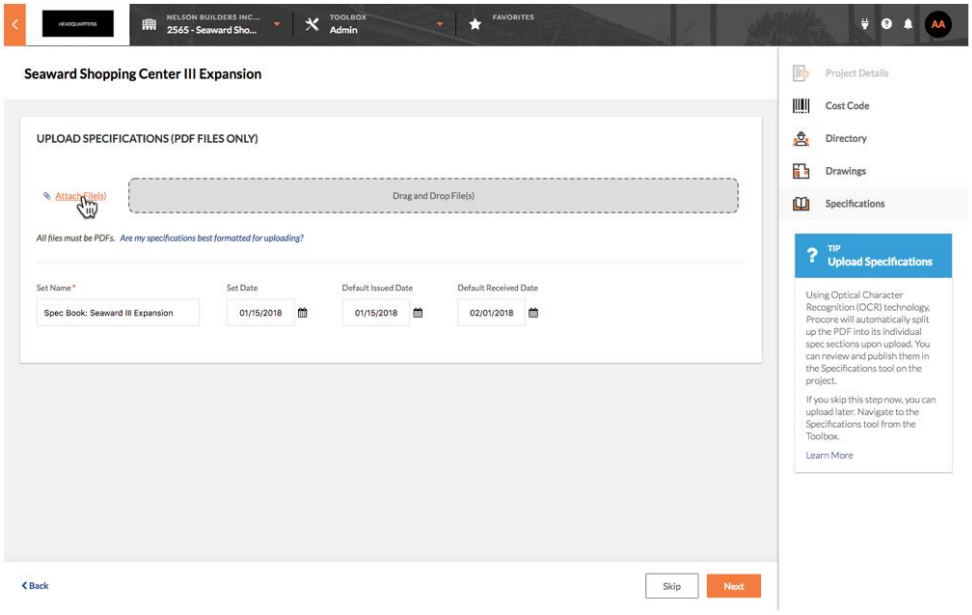
- *To learn how to format drawings before uploading them to a project*, see How can I improve the accuracy of OCR on my drawings?
- *To skip this step and upload your project's drawing(s) at a later time*, click **Skip**. When you are ready to upload your drawings, see Upload Drawings.

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?
  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 set.
  d. **Set Date**. Select a date for the set using the calendar control.
  e. **Default Issued Date**. Select a date for the file(s) using the calendar control.
  f. **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 for this project contained in the Specifications.

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.

2. **Commencement Date** shall mean 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, final warranties and guaranties, and record document submittals.

4. **Completion Date** is the date when all Work for the project must cease, all project related activities including the correction or completion of any remaining punchlist items. 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 Bond 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.

   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.

   Bond 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 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 (CPM Critical Path Method) 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 Bond Manager will review and ensure that the MPS includes:

- Detailed work activities properly sequenced for trade coordination
- Planned 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, the percent complete on 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 Bond 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 Bond 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 to not 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 Bond Manager shall ensure that a Submittal shall not result in any increase in the Contract Price or result in an 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 when there is inadequate information for the Architect or Engineer to adequately review a submission. 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:

• Temporary soil stabilization practices reduce erosion associated with disturbed soil areas (DSAs).
• Temporary run-on control practices prevent storm water flows (sheet and concentrated) from contacting DSAs.
• 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. Soil erosion control BMPs must be supported by sediment control BMPs to capture sediment on the construction site.

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 – Ensure Protection for the Duration of the Project Inspection and maintenance are required for all BMPs (soil stabilization, run-on control, and sediment control) to maintain effectiveness for reducing or eliminating the amount of sediment that leaves a site. COMMON POLLUTANTS ON THE CONSTRUCTION SITE There are a number of potential storm water pollutants that are common to Caltrans construction sites. 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 Bond Manager conduct himself in a manner that will encourage the respect and confidence of the public. All contact with the public will be courteous and responsive. Questions by the public of a detailed nature, requests for public presentations, and items of a similar nature will be referred to the Superintendent. Complaints by the public regarding any aspect of the contract will receive immediate attention. In the

event the response does not fully address the complaints, the matter will be pursued by the Bond 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 Bond Manager will assure 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 Bond Manager will respond to the complaint promptly, and will work to address the issue and report the circumstance to the Superintendent.

I. PHOTOGRAPHS AND VIDEO RECORDINGS

The Bond 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 hand-written documents, shall be loaded into Procore.

All communications between construction team members shall be copied to TCDS.

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

a. 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.

b. Written Communications
Written communication will be handled through Procore and e-mail. Hand written 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.

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

d. Telephone Conversations
Telephone conversations should be followed up with an e-mail to record pertinent information, mutual understandings, and to memorialize decisions discussed.

K. PROJECT MEETINGS

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

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

The meetings typically cover the status on the following at a minimum:

- Review of the schedule. Review of a three-week look ahead 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 Site Contact.
- Review of the draft payment request (monthly).
- Assigning responsibility to the appropriate team member where needed to resolve issues raised at the meeting.

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 Bond 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 Bond 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 Bond Manager will administrate resolution. If legal interpretation is required for any provision in the contract documents or for a situation that arises, the Bond Manager will review with District legal counsel if necessary and manage the distribution of any and all clarifications.

M. LABOR COMPLIANCE

All public works projects must pay prevailing wages. Within t39 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 Bond Manager who will work to extract the appropriate records for delivery to the Superintendent. In the event the request is sent directly to the Bond Manager, the Bond 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 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 Bond 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 secure d.
- 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. As well as 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 particular 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 Bond 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 day Monday through Friday (except holidays). Work performed by the Contractor outside of normal hours requires authorization from Bond 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 Bond 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 Bond 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 Bond 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 Bond Manager. Approval may require new or amended consulting contracts. A complete record will be maintained of all tests performed in Procore by the IOR and construction team using the Change Management tool. The records will be filed and copies distributed to the Bond Manager, Design Professional, IOR, and DSA, in accordance with current law and the Contract Documents.

The Bond 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 Bond Manager.

Q. AS-BUILTS

Bond 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 Bond 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 and 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 Bond 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 and 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 Bond Manager will immediately be advised and convene a meeting with the Contractor to address the issue. The Bond 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, meet critical Milestones which would result in a Delay to the Critical Path, or Delay the Contract Time and 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

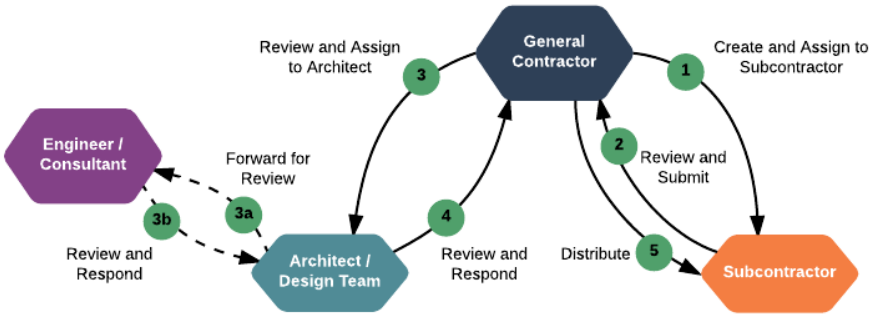
All payments to the Contractor are subject to a five percent (5%) retention. The District may increase this retention to ten percent (10%) if the BOE approves the increase and makes findings that the project is sufficiently complex to justify the increased retention. The District may entertain reduction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

2. Progress Payments to Contractor for Stored Materials

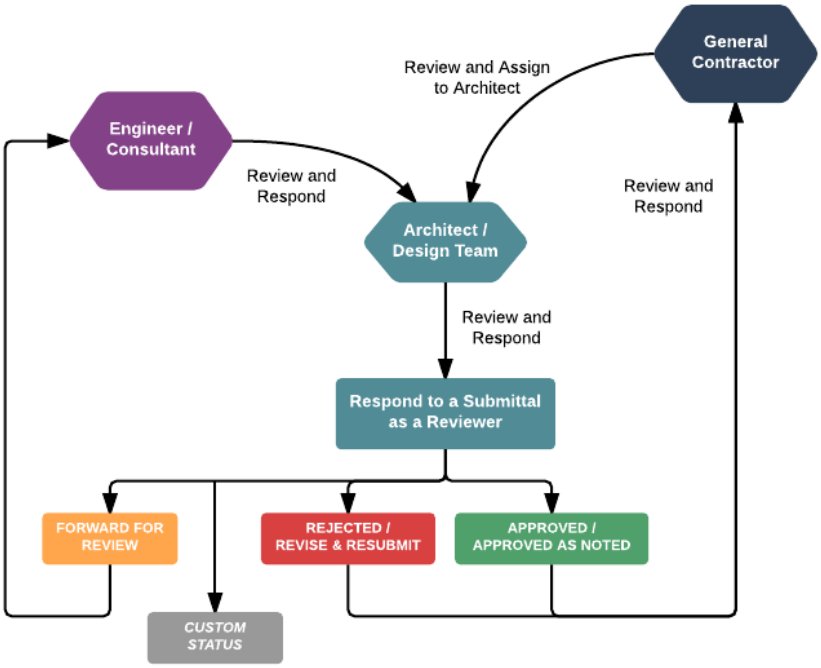
On the monthly payment request, the Contractor may request payment for certain construction materials and equipment delivered to the site (or off-site) but not yet installed, subject to strict conditions. If a Contractor wants to receive payment for stored materials, a listing of these materials must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

T. SUBMITTALS and SHOP DRAWINGS

The diagram below demonstrates how key stakeholders collaborate using the Submittals tool.



The diagram below gives a more detailed view of the review and approval process for submittals.



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 Bond Manager.

Submittals and Shop Drawings will be packaged by the Contractor, uploaded in Procore, using the appropriate submittal form. The Bond Manager will review the submittal, comment, 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 Bond 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. The Bond 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 Bond 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 Bond Manager and Design Professional has, and will exercise, the authority to reject both unsatisfactory workmanship and materials. Such rejections will be written to the Contractor immediately upon discovery and will refer 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 Bond Manager will anticipate the necessity for changes in advance. The Bond Manager will follow the Potential Change Order (PCO) procedures outlined in this manual. The Bond Manager will not authorize the Contractor to perform changes or extra work without an executed modification of contract (Potential Change Order), except in an emergency.

Occasionally, the Contractor will not immediately correct unsatisfactory work and will proceed with other work. This practice will not be allowed. In such a case, the Bond 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 Bond Manager will direct all authorized instructions concerning contract work performance to the proper personnel in the Contractor's organization. In no instances will instructions or directions be given to subcontractors.

2. Quality of Construction Plan

The Contractor will submit the quality 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 in Construction Program

("QIC") will be initiated, managed and documented by the Contractor. The QIC 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 Bond 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 QIC and who will represent the Contractor at all QIC inspections conducted for the Work of this Contract. The Contractor and the field staff will follow a project's specific QIC 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 Bond 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

Occasionally the work performed under a contract will be subject to conditions, which require immediate attention to prevent:

- Possible cessation of work due to changed conditions resulting from 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 will immediately notify the Bond Manager. If the conditions involve design changes, the Design Professional and IOR must also be consulted. A meeting between the Contractor and the Bond Manager will be convened on the shortest possible notice to discuss and resolve the issue. If, in the opinion of the Bond 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 work, 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 Bond Manager, be authorized to proceed with the work on a time and material basis.

The Bond 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.

In the event cessation of work results from an unsafe condition that may cause personal injury or property damage, the Bond Manager, conditions permitting, will pursue the same course of action described above. Should the unsafe condition be of such severity as to preclude any delay before remedial action is taken, the Bond Manager may under those circumstances, or, if necessary, direct the Contractor to immediately perform the necessary operations to remedy the unsafe condition.

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 Bond 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) and changes will be submitted to DSA as Construction Change Documents (CCDs.)

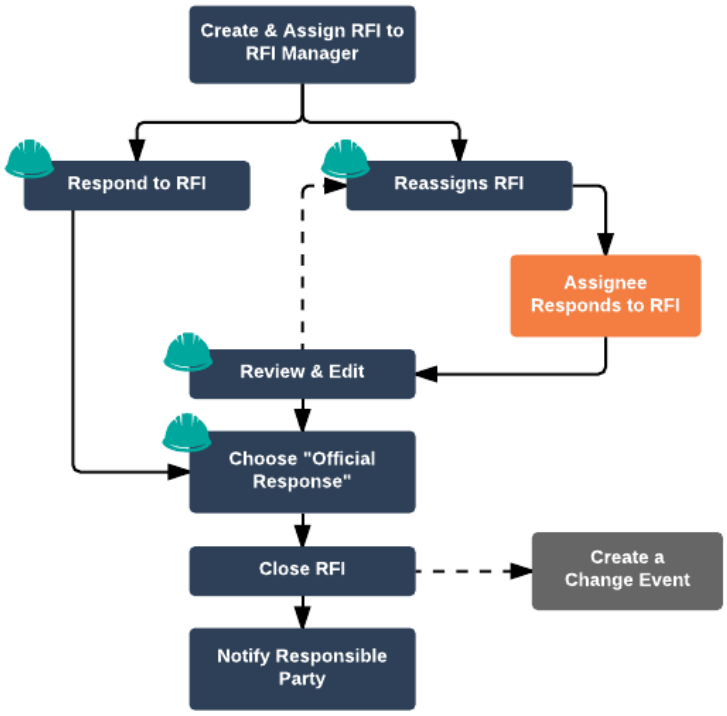
Construction contract change orders less than ten percent of the original contract amount may be approved by the Superintendent and ratified by the BOE. Change orders more than ten percent of the original contract must have prior BOE approval.

Changes are generated in several ways:

- By the contractor through the Request for Information (RFI) process or through submission of a Potential Change Order (PCO).
- By request of 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 in the construction documents.

1. Requests for Information (RFIs)

An RFI is a written request prepared by the Contractor requesting the Architect to provide additional information necessary to clarify or amplify 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 are issued by the Contractor are first submitted to the Bond Manager, providing the owner to comment prior to the designer's input. After review with the Bond Manager, 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 in 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 Bond Manager and Design Professional before starting work. The Bond 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 Bond Manager. The Bond Manager and Design Professional will evaluate the response and either change the response to one without cost or 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: RFI number, name of originator, brief description, date RFI was received from contractor, date RFI was forwarded to design professional, date reply was received from Design Professional and the date reply was transmitted to contractor.

- The Bond Manager will monitor the RFI log to monitor response times and to anticipate potential change orders.

2. **Potential Change Order**

Changes resulting from approved responses to RFIs that have a financial or schedule impact will be discussed with the Bond 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 Bond Manager through Procore. After review, the Bond 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 Bond Manager and the contractor. After the contractor and Bond Manager agree to the cost and time impacts, the Bond 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 Bond 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 Bond Manager, then the Bond 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 Bond Manager will evaluate any proposed changes to the project and review with the design professional.

5. Time Extensions

Extensions to the established contract completion date will be considered only if formally requested by the contractor. Contractor will within five calendar days of the beginning of any such delay (unless the District grants a further period of time prior to date of final settlement of the contract) to notify the Bond Manager in writing of causes of delay; thereupon the Bond Manager will ascertain the facts and extent of the delay and grant extension of time for completing work when, in its judgment, the findings of fact justify such an extension. The Bond Manager's findings of fact thereon will be final and conclusive on parties hereto. 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.

6. Change Order (CO)

Once a CO, or CCD has been approved by all parties, a formal change to the contract is processed through a CO and will also include any agreed to time extensions. The change order will be submitted to the Board of Education for approval.

O. SCHEDULE OF VALUES

1. Break Down 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 subcontractor costs, the costs for the submittals, punch lists, commissioning, start-up, 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 a greater value than the value of the work actually performed and shall not shift funds from parts of the project that are related to work that is performed earlier.

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 as otherwise 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.

P. LABOR RELATIONS

1. 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 subsmission is an essential piece to ensuring 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 Department of Industrial Relations 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

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 and on other projects that were legally required to use the CMU.

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 the craft or trade does not require the use of apprentices, as indicated 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 is sent to its apprenticeship committee;
- If the contractor is not approved to train apprentices, the DAS Form 140 must

[4] https://www.dir.ca.gov/das/publicworks.html

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 your 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. Be sure to employ one hour of apprentice work for every five hours performed by a journeyman level worker.

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 date-stamped and routed for review and approval. The invoice is them submitted to the Assistant Superintendent for 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 copied and registered in the invoice log. The copy is 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 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 SOV shall be required to be updated with each monthly billing, as COs are added. SOV shall not change once it has been approved.

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);
- safety program compliance form

The lease-leaseback 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, and the pay application will be registered in the invoice log.

Electronically signed by the Architect, IOR, Executive Bond Manager, Senior Executive Bond Manager, Assistant Superintendent of Business and Superintendent, 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 not, 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 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 in a bonded warehouse or on-site or as specified in the contract, and must be adequately safeguarded; Requests for materials payment must be accompanied by paid invoices for materials stored on site. 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;
- 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 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 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

A. COMMISSIONING DEFINITION

Commissioning ensures that the building and its systems and 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.

B. STAGES OF COMMISSIONING

1. **Pre-design**
   a. Determine project objectives and develop owner's Criteria.
   b. Develop commissioning requirements.
   c. Hire or assign owner commissioning authority (OCA).

2. **Design**
   a. Design team develops project design; OCA (or representative) reviews design intent, basis of design documents, and drawings and 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, and holds 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.

C. 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 (rather than just components) under full operation (e.g., 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 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.

D. 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, and 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) and perform tests to verify proper and/or improved operation.
4. **Hand-off**: Prepare a report of improvements made and provide training and documentation on how to sustain proper and/or improved operation.

E. 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 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; and
- Trending or electronic data logging of pressure, temperatures, power, flows, and lighting levels and 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 is the process for final completion of the project including the requirements for DSA certification. Final completion means 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 to ensure 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 Manager, 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 so the project may be completed by the contractor and a final DSA close-out approved.

The Bond Manager will provide contractor with a specified time to complete the punch list on a project. If the punch list is not completed by the end of the punch list time, the Bond Manager may issue a valued punch list to the contractor and withhold a percentage of the value of the punch list work until completed.

C. COMPLETION OF ADA WORK

The Bond Manager 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, 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 Manager 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 architects 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.

Contractor shall deliver a bound copy and an electronic file in a format acceptable to the District.

F. DSA CLOSE-OUT REQUIREMENTS

The Bond Manager will ensure that contractor performs all work within its scope to comply with the DSA requirements.

Bond Manager shall ensure that contractor executes a Form DSA 6-C as required under Title 24 Sections 4-343 and PR-13-01. The contractor understands that the filing with DSA of a Form 6-C is a requirement to obtain final DSA approval of the construction by the contractor and 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

Bond Manager will ensure that three hard copies and one electronic copy of complete warranty and O&M documents (including warranties and operations and maintenance instructions 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) are submitted in bound 8½" x 11" binders and electronically, including a table of contents in front and indexed with tabs.

Each manual will contain of a list of subcontractors, with their addresses and the names of persons to contact in cases of emergency. Identifying labels will provide names of manufactures, 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 Manager, 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 Superintendent to accept negotiated projects as complete if the contract value is less than $60,000.[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 Manager will issue partial acceptance for that 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 been substantially completed such that the project can be utilized for its intended purpose. 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 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, test and operate as necessary for acclimation, or testing without voiding or starting warranties. Taking beneficial occupancy shall not start warranties except in the case where the District agrees, in writing, that warranties shall commence running 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 Manager's Responsibilities regarding alleged claims**
3. **Contractor Claims Analysis**
4. **Evaluation of Entitlement**

C. WARRANTY OF CONSTRUCTION

D. CORRECTION PERIOD

A. CLAIMS AVOIDANCE PROCEDURES[1]

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 Potential Change Orders (PCOs) on a given project seems excessive, the bond manager 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 Manager 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 the Bond Manager act in good faith on behalf of the district at all times, 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, assuming that 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 methods of materials and installations (request for substitution), which may be beneficial to schedule improvement. However, cost analysis for grating these type of 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 Potential 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 only cost of work 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:

[1] Performance Audit 2016-17 Observation 11 Improvement Recommendation

- Lump sum as agreed upon by both parties.
- Unit costs established at bid time.
- Time and materials.
- Generally accepted and agreed upon basis of establishing cost (e.g., Means Building Construction Costs Book).

It is up to the Bond Manager to implement the best methodology to determine reasonable cost for extra work. Typically, lump sum pricing is simplest, but it requires that a level of trust exists between the owner and the contractor.

If unit costs were included in bid pricing, they are a definitive method of avoiding disputed costs.

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.

Using an established 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 Manager must establish a fair value for the work in dispute. This value will be needed as a benchmark for purposes of negotiation.
b. The Bond Manager 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 Manager 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 Manager, IOR and design professional to review the issues.
e. The Bond Manager may engage in informal conflict resolution with the affected parties.

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 outside the scope of work defined by the contract or for work that was 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:

- A 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; or
- Payment of money that the District disputes that it owes.

1. Construction Claims Procedures

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

Upon receipt of intent to claim or a claim from the contractor, the Bond Manager 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;
Acknowledge to the contractor, in writing, without commitment, receipt of intent to claim or claims. (Care must be taken that no indication of the Bond Manager's opinion regarding the contractor's allegations is either given or implied);
c. Assemble all documentation regarding the claim; (This documentation will include, but not be limited to, all relevant reports, diary entries, photographs, and correspondence.)
d. For all claims from the contractor, the Bond Manager 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.;
e. If the Bond Manager determines that the claim has merit, the Bond Manager will evaluate entitlement (time and money), and initiate a contract modification (Change Order);
f. If the claim is rejected by the Bond Manager, the Bond Manager will inform the contractor in writing;
g. After intent to claim has been presented by the contractor and at completion of all work associated with the intent to claim, the Bond Manager will, in writing, request the contractor to present the claim in a timely manner.

2. Bond Manager's Responsibilities Regarding Alleged Claims

Whenever an event occurs or a situation arises which has the potential of delaying the contractor with respect to his 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 Manager and the contractor will make a determination of the extent of the potential delay.

If, and when, it is determined by the contractor that the contract completion date cannot be met, the contractor will present to the Bond Manager for review and analysis a request for an extension of time . 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 Manager and the contractor, a determination will be made as to the following:

- What is the time impact on the contract completion date? This evaluation is made after unused float time, etc., is taken into account.
- 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?
- If the Bond Manager recognizes the contractor's request as having merit, the Bond Manager will initiate a contract modification (Change Order) for extended time.
- If the Bond Manager denies the contractor's request for a time extension, the Bond Manager will notify the Contractor of the denial.

3. Contractor Claims Analysis

For each claim submitted by the contractor, the Bond Manager, 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 Manager with a recommendation as to the claim's merit.

4. Evaluation of Entitlement

If the Bond Manager determines that the claim has merit, the Bond Manager, 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 Manager 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 Manager will have the right to replace, remove, or otherwise remedy the failure, defect, or damage at the contractor's expense.

APPENDIX A

Resolution No. 2008-2009-014 Establishing a Citizens' Oversight Committee
Amended August 10, 2021 - Citizens' Bond Oversight Committee Bylaws

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.

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

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 XIIIA, 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 XIIIA 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 adequate 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 B

List of Acronyms

LIST OF ACRONYMS

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

Changed name to Association for Learning Environments (A4LE)

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

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
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
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	Wood Work Institute
WP	Waterproof
UON	Unless Otherwise Noted

APPENDIX C

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 PR 13-01 Procedure: Construction Oversight Process

DSA Form PR 13-02 Procedure: Project Certification Process

DSA Form IR A-13 Stop Work and Order to Comply

DSA IR A-3 Construction Management Services for Public School Projects

IR A-22

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Disciplines: Structural, Fire & Life Safety, Accessbility

History: Revised 04/07/21
Last Revised 04/06/20
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 DSA *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).

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

Exception: For reconstruction projects due to fire damage, Education Code, Section 17280 allows using construction documents approved for the original construction. (See DSA *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.

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 DSA *PR 15-01: Required Information for Path of Travel Upgrades on Construction Documents*) or unreasonable hardship determinations (see DSA *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. 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

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

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.

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 AC reconstruction or alteration projects not in excess of $110,422 in cost for 2020 and 2021 (adjusted annually per CAC Section 4-308 by using the first January issue of *Engineering New-Record's U.S. 20 City Construction Cost Index*).

1.3.2.2 SS and FLS reconstruction or alteration projects in excess of $110,422 but less than $248,448 in cost for 2020 and 2021 (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.

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

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.

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 DSA 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 2.1.2.1 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.

CONSTRUCTION PROJECTS AND ITEMS EXEMPT FROM DSA REVIEW

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.

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**	**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 affecting egress.	**No**[7]	**Yes**[4]	**No**[7, 18]	**1.2.1**

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
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**[a,13]	**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**
27. Window shading devices–window screens (applied to glazing only), and	**No**	**No**[a]	**No**[27]	**1.3.1**

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
solar shading devices as furnishings and requiring no structural attachment.				
28. Energy Management Systems.	**No**	**No**[13]	**No**	**1.3.2**
29. Lighting upgrade of buildings: re-lamping, ballast replacement, fixture replacement.	**No**	**No**[13, a]	**No**	**1.3.1**
30. Crossarm and/or lighting fixture 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**
39. Underground utility replacement in-kind of water piping and sewer (including, but not limited to, septic tanks and	**No**[30]	**No**[29, 30]	**No**[18, 30]	**1.3.2**

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
leach fields).				
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 cladded 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.
9. Mechanical, electrical and plumbing unit replacement 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. Not used.
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 students or faculty 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 entered by students or faculty. 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.
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 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 Adminisitrative 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 the 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.

DSA IR EB-4

REHABILITATION REQUIRED BY COST: 2019 CAC

Disciplines: Structural **History:** Issued 07/08/21

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. 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 Sections 4-306 defines the requirements of rehabilitation projects of existing certified school buildings. Section 4-307 defines the requirements of rehabilitation projects of non-conforming buildings being converted into school buildings, which is not addressed by this IR.

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 assessed by a comprehensive building evaluation required of a rehabilitation.

Frequently used terms are defined in the Glossary located on the last page.

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 a 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 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.

1.2 Division of Projects

In accordance with CAC Section 4-309, school construction projects shall not be subdivided to avoid a 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.

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 and/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 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.

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 and/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

REHABILITATION REQUIRED BY COST: 2019 CAC

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 a 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 would be required to 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 2021 are as follows:

3.1.1.1 Typical Construction: $412 per square foot.

3.1.1.2 Toilet Room Construction: $742 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.

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 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 *View Cost Guidelines* from the *Admin* panel on the FUSION home page. The values will display in tabular format in a new window titled *JCAF Cost Guidelines*.

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.

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 proposed project.

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% and no more than 200% of the gross square footage of the replacement building.

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 replacement building.

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 Provide a narrative of each similar building used to establish the replacement value 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 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 Inspector Card*), adjustment is required to allocate the final cost between multiple buildings and/or 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 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.

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 defined 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, referred to herein as the “cost estimator”.

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 replacement value. The default valuation in accordance with Section 3.1 or 3.2 above is already inclusive of 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, and/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.

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.

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 if agreed to in writing by DSA prior to the project submission.

4.2 Award of Construction Contract

REHABILITATION REQUIRED BY COST: 2019 CAC

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. 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, DSA may require the project cost be defined at this phase by the design-build or similarly responsible entity.

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.

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 (i.e., 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.

REHABILITATION REQUIRED BY COST: 2019 CAC

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:

2019 California Code of Regulations (CCR) Title 24
Part 1: California Administrative Code (CAC), Sections 4-306, 4-307, 4-309, 4-314, 4-322, 4-339
Part 2: California Building Code (CBC)

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REHABILITATION REQUIRED BY COST: 2019 CAC

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 of addition 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 Sections 3.1 and 3.2 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.

DSA 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.

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 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

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IR 11B-10

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

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."

- *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.

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:

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.

- 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.

SCOPING AND PATH OF TRAVEL UPGRADE REQUIREMENTS FOR FACILITY ALTERATION, ADDITION AND STRUCTURAL REPAIR PROJECTS

REFERENCES:

California Code of Regulations (CCR) Title 24
Part 2, California Building Code, Section 11B-202.4

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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.

DSA PR 13-01

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

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.*

- *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.

CONSTRUCTION OVERSIGHT PROCESS

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 DSAbox. 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.

- 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.

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.

CONSTRUCTION OVERSIGHT PROCESS

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,

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.

- 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 Manua*l 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

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.

- 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

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.

- 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

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 DSAbox 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

DSA request).

- 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*.

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-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.

1.14 Duties of contractor related to the use of forms DSA 152 and DSA 152-IPI 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-IPI 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

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).

- 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

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

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.

CONSTRUCTION OVERSIGHT PROCESS

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:

- 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.

CONSTRUCTION OVERSIGHT 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.

CONSTRUCTION OVERSIGHT PROCESS

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 2 – Building Pad

- Soil Preparation Specific to Support of Structures
- Building Pad
- Soil Remediation
- Soil Densification
- Stone Columns

Block 3 – Drainage Devices

- Storm Water Collection/Distribution systems
- On-Site Retention Systems
- Foundation Drain systems
- Retaining Wall Drain Systems

Block 4 – Utilities (Rough-in)

- FLS Utilities/Systems
- MEP Utilities/Systems
- MEP Vaults
- Thrust Blocks

Block 5 – Excavations

- Foundation Systems
- Driven Piles

Block 6 – Forms

- Formwork
- FLS Systems
- MEP Systems
- Waterproofing/Vapor Barriers

Block 7 – Steel Reinforcing

- Reinforcing (bars, tendons, etc.)
- Embeds

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

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

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 24 – Flatwork

Accessible Path of Travel Systems such as:

- Stairs
- Ramps
- Walks
- Gates

Block 25 – Parking

- Drop-off
- Accessible parking
- Striping
- Signage
- Truncated Domes

Block 26 – Fire Lane

- Fire Lane

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 28 – Other Work Fire Life Safety

- Egress Components
- Doors
- Gates
- Emergency Lighting
- Building Signage
- Site Signage
- Elevators
- Hazardous Materials

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.)

DSA 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.

PROJECT CERTIFICATION PROCESS

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):

- 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.

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

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.*

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.

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 DSAbox. 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 DSAbox. 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

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***

- 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 DSAbox/Inspection card system use the following processes:

3.1 Projects with no DSAbox 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.

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.

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.

DATE

Sent by e-mail and certified mail

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 Oder, 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

DSA SW3 (12-01-12) STOP WORK ORDER

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

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.

Application # _____
File # _____

STOP WORK ORDER

Date of Notice: _____

School District/Owner: _____

Project: _____

Project Address: _____

_____

Stop Work Order Issued by:

_____
State Architect or Authorized Representative

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.

Contact DSA _____ Regional Office at (_____) _____-_____ if any questions

DESCRIPTION OF AFFECTED WORK: _____

_____

No person shall remove, or obstruct the visibility of this notice unless authorized by DSA

DSA-351 (12-01-12) STOP WORK ORDER NOTICE

DSA 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.

CONSTRUCTION MANAGEMENT SERVICES FOR PUBLIC SCHOOL PROJECTS

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.

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.

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.

APPENDIX D

Examples of the financial reports available on the CFS system

BEVERLY HILLS UNIFIED SCHOOL DISTRICT

2008 General Obligation Bond &
2018 General Obligation Bond Authorizations

Measures E & BH





Citizens' Bond Oversight Committee Report

District Financials From Inception to 8/27/2021

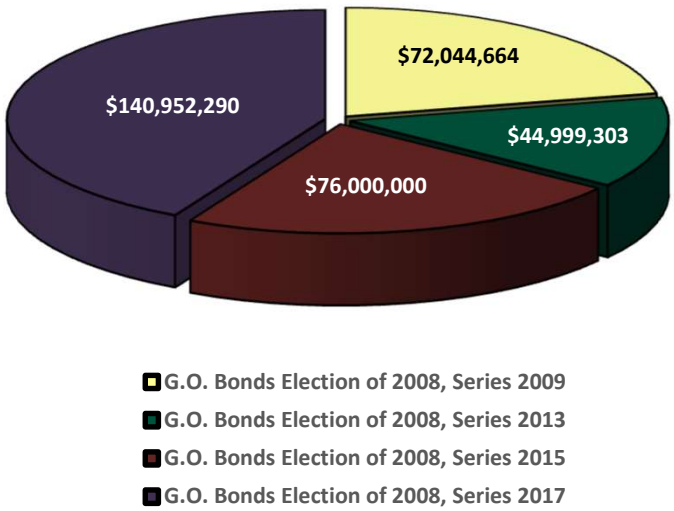
September 23, 2021 Meeting

MEASURE E PROGRAM OVERVIEW & EXPENDITURE BACKUP

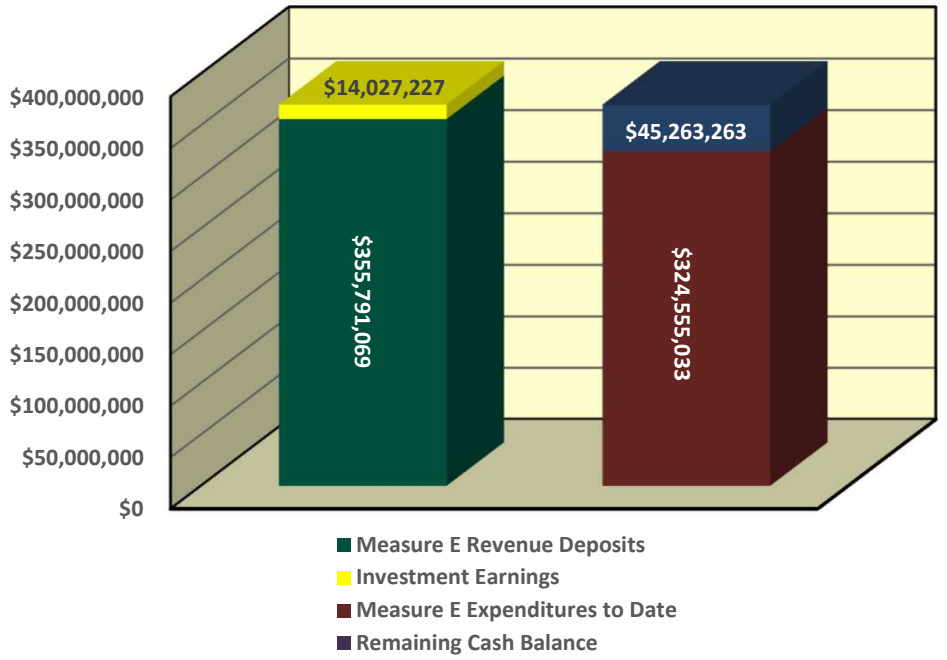
MEASURE E Program Overview & Revenue Summary

The voters of the Beverly Hills Unified School District (the "District") authorized Measure E G.O. Bonds in the amount of $334,000,000 on November 4, 2008. Funds received from the sale of the 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; renovate Beverly Hills Unified School District schools to better protect students and staff from unauthorized entry, security risks and natural disasters.

$334,000,000 Measure E Breakdown



Measure E Combined Revenue = $369,818,296



* Includes $18,968,478 in seismic funding from the State

MEASURE E - ESTIMATED PROJECT COMMITMENTS & EXPENDITURES

		District Project Name	Current Project Budget Estimate	Current Project Commitments	Project Expenditures to Date	Remaining Budget Balance
		A	B	C	D	E (B - C)
Beverly Hills High School						
1	3050000-90027	Beverly Hills HS - Modernization (CLOSED)	$1,798,813.34	$1,798,813.34	($1,798,813.34)	$0.00
2	3050000-91004	Beverly HIlls HS - MTA (CLOSED)	(2,013.97)	(2,013.97)	2,013.97	0.00
3	3050000-91600	Beverly Hills HS - Mod. (Planning All Buildings)	30,791,691.13	30,791,691.13	(30,755,875.98)	0.00
4	3050000-91601	Beverly Hills HS - C03 New Kitchen Hood - Culinary (CLOSED)	209,689.92	209,689.92	(209,689.92)	0.00
5	3050000-91603	Beverly Hills HS - Modernization (Bldgs. B1 & B2)	79,050,000.00	71,100,630.44	(70,528,872.86)	7,949,369.56
6	3050000-91604	Beverly Hills HS - Modernization (Bldgs. B3 & B4)	2,287,010.54	2,287,010.54	(2,287,010.54)	0.00
7	3050000-91616	Beverly Hills HS - Swim Gym Renovation	1,368,037.22	1,368,037.22	(1,283,623.24)	0.00
8	3050000-91610	Beverly Hills HS - Seismic	1,166,545.27	1,166,545.27	(1,166,545.27)	0.00
9	3050000-91612	Beverly Hills HS - DLR Facilities Hardship (CLOSED)	43,057.50	43,057.50	(43,057.50)	0.00
		Combined Beverly Hills High School Improvements:	$116,712,830.95	$108,763,461.39	($108,071,474.68)	$7,949,369.56
Beverly Vista School						
10	2510000-90029	Beverly Vista - Building B Phase III (CLOSED)	$436,585.49	$436,585.49	($436,585.49)	$0.00
11	2510000-91100	Beverly Vista - Modernization (CLOSED)	3,446,891.30	3,446,891.30	(3,446,891.30)	0.00
12	2510000-91103	Beverly Vista - DSA Closeout (CLOSED)	6,932.30	6,932.30	(6,932.30)	0.00
13	2510000-91105	Beverly Vista - Mod. - Priority 3 (CLOSED)	80,181.74	80,181.74	(80,181.74)	0.00
14	2510000-91107	Beverly Vista - Shade Structure (CLOSED)	74,554.09	74,554.09	(74,554.09)	0.00
		Combined Beverly Vista School Improvements:	$4,045,144.92	$4,045,144.92	($4,045,144.92)	$0.00

MEASURE E - ESTIMATED PROJECT COMMITMENTS & EXPENDITURES

		District Project Name	Current Project Budget Estimate	Current Project Commitments	Project Expenditures to Date	Remaining Budget Balance
		A	B	C	D	E (B - C)
El Rodeo School						
15	1020000-90034	El Rodeo - ER Modernization (Bldgs. A, B, C & D) (CLOSED)	$669,929.03	$669,929.03	($669,929.03)	$0.00
16	1020000-90100	El Rodeo - Cabling for Wireless (CLOSED)	32,549.82	32,549.82	(32,549.82)	0.00
17	1020000-91200	El Rodeo - ER Modernization	98,894,848.34	98,894,848.34	(63,274,831.06)	0.00
18	1020000-91201	El Rodeo - Auditorium Ceiling Upgrade (CLOSED)	160,588.55	160,588.55	(160,588.55)	0.00
19	1020000-91203	El Rodeo - DSA Closeout (CLOSED)	81,217.69	81,217.69	(81,217.69)	0.00
20	1020000-91205	El Rodeo - Modernization Priority 3 (CLOSED)	975,851.25	975,851.25	(975,851.25)	0.00
21	1020000-91206	El Rodeo - Phylmar (DTSC) (CLOSED)	1,036,994.85	1,036,994.85	(1,036,994.85)	0.00
22	1020000-91210	El Rodeo - Seismic (CLOSED)	221,591.87	221,591.87	(221,591.87)	0.00
23	1020000-91212	El Rodeo - Site Improvement	15,603.50	15,603.50	(15,603.50)	0.00
24	1020000-91220	El Rodeo - New Construction (CLOSED)	9,093.40	9,093.40	(9,093.40)	0.00
		Combined El Rodeo School Improvements:	$102,098,268.30	$102,098,268.30	($66,478,251.02)	$0.00
Hawthorne School						
25	1030000-90039	Hawthorne - Modernization (CLOSED)	$668,442.78	$668,442.78	($668,442.78)	$0.00
26	1030000-90100	Hawthorne - Cabling for wireless (CLOSED)	39,409.03	39,409.03	(39,409.03)	0.00
27	1030000-91300	Hawthorne - Auditorium/Mod. (Planning)	4,970,491.59	4,970,491.59	(4,970,491.59)	0.00
28	1030000-91301	Hawthorne - Auditorium Ceiling Upgrade (CLOSED)	372,028.34	372,028.34	(372,028.34)	0.00
29	1030000-91303	Hawthorne - DSA Closeout (CLOSED)	15,405.68	15,405.68	(15,405.68)	0.00
30	1030000-91304	Hawthorne - Chiller/Cooling Tower Replac. (CLOSED)	470,226.60	470,226.60	(470,226.60)	0.00
31	1030000-91305	Hawthorne - Modernization (CLOSED)	415,529.15	415,529.15	(415,529.15)	0.00
32	1030000-91310	Hawthorne - Seismic (CLOSED)	448,143.60	448,143.60	(448,143.60)	0.00
		Combined Hawthorne School Improvements:	$7,399,676.77	$7,399,676.77	($7,399,676.77)	$0.00

MEASURE E - ESTIMATED PROJECT COMMITMENTS & EXPENDITURES

		District Project Name	Current Project Budget Estimate	Current Project Commitments	Project Expenditures to Date	Remaining Budget Balance
		A	B	C	D	E (B - C)
Horace Mann School						
33	1040000-90044	Horace Mann - Modernization (Building A) (CLOSED)	$1,566,755.33	$1,566,755.33	($1,566,755.33)	$0.00
34	1040000-90046	Horace Mann - Legal Fees (CLOSED)	225.00	225.00	(225.00)	0.00
35	1040000-90100	Horace Mann - Cabling for wireless (CLOSED)	21,241.89	21,241.89	(21,241.89)	0.00
36	1040000-91400	Horace Mann - Modernization (Building A)	29,819,248.44	29,696,689.64	(29,696,689.64)	122,558.80
37	1040000-91401	Horace Mann - Interim Housing (CLOSED)	178,983.86	178,983.86	(178,983.86)	0.00
38	1040000-91402	Horace Mann - Auditorium Ceiling Replace (CLOSED)	4,575,704.41	4,575,704.41	(4,575,704.41)	0.00
39	1040000-91403	Horace Mann - DSA Closeout (CLOSED)	36,247.21	36,247.21	(36,247.21)	0.00
40	1040000-91409	Horace Mann - Shades Structure	22,639.53	22,639.53	(22,639.53)	0.00
41	1040000-91410	Horace Mann - Seismic (CLOSED)	370,216.91	370,216.91	(370,216.91)	0.00
42	1040000-91420	Horace Mann - New Construction (CLOSED)	47,785,432.30	47,785,432.30	(47,785,432.30)	0.00
43	1040000-91421	Horace Mann - Demo of Rotunda (CLOSED)	25,029.18	25,029.18	(25,029.18)	0.00
44	1040000-91423	Horace Mann - Lunch Shelter/Courtyard (CLOSED)	101.61	101.61	(101.61)	0.00
45	1040000-91440	Horace Mann - Technology (CLOSED)	312,475.35	312,475.35	(312,475.35)	0.00
		Combined Horace Mann School Improvements:	$84,714,301.02	$84,591,742.22	($84,591,742.22)	$122,558.80

MEASURE E - ESTIMATED PROJECT COMMITMENTS & EXPENDITURES

		District Project Name	Current Project Budget Estimate	Current Project Commitments	Project Expenditures to Date	Remaining Budget Balance
		A	B	C	D	E (B - C)
Miscellaneous District-Wide Expenses						
46	0000000-00000	District Wide (Measure E Project Support)	$7,276.61	$7,276.61	($7,276.61)	$0.00
47	0000010-00000	Business Office - District Support (CLOSED)	(731.73)	(731.73)	731.73	0.00
48	0000011-00000	Technology	2,412,318.60	2,412,318.60	(2,412,318.60)	0.00
49	0000011-91000	Technology - Project Support	85,433.08	85,433.08	(85,433.08)	0.00
50	0000011-91040	Technology - District Wide	4,104,588.74	4,104,588.74	(4,104,588.74)	0.00
51	0000017-00000	District Admin. (Legal/Audit,Other) (CLOSED)	212,530.58	212,530.58	(212,530.58)	0.00
52	0000017-90046	District Facilities & Planning (CLOSED)	5,240,978.94	5,240,978.94	(5,240,978.94)	0.00
53	0000017-90100	District cabling for wireless (CLOSED)	70,939.66	70,939.66	(70,939.66)	0.00
54	0000017-91008	District - Security	29,250.00	29,250.00	(29,250.00)	0.00
55	0000017-91420	District - New Construction	41,200.00	41,200.00	(41,200.00)	0.00
56	0000040-90004	Facilities Phone (CLOSED)	273,276.42	273,276.42	(273,276.42)	0.00
57	5810000-00000	Facilities & Planning (CLOSED)	1,634,958.40	1,634,958.40	(1,634,958.40)	0.00
58	5810000-90046	District administration (CLOSED)	226,521.87	226,521.87	(226,521.87)	0.00
59	5810000-91000	Facilities & Planning	20,038,334.69	20,038,334.69	(19,255,336.84)	0.00
60	5810000-91001	District Master Plan (CLOSED)	300,158.54	300,158.54	(300,158.54)	0.00
61	5810000-91004	MTA	20,035,949.29	20,035,949.29	(20,035,949.29)	0.00
62	5810000-91040	Facilities & Planning - Technology (CLOSED)	34,679.75	34,679.75	(34,679.75)	0.00
63	5810000-91100	Facilities & Planning - Modernization (CLOSED)	2.84	2.84	(2.84)	0.00
64	5810000-91603	Facilities & Planning - Modernization (Bldgs. B1 & B2)	4,075.00	4,075.00	(4,075.00)	0.00
65	N/A	0 - Program Contingency - Unallocated Reserve	96,332.32	0.00	0.00	96,332.32
		Combined District-Wide Expenditures:	$54,848,073.60	$54,751,741.28	($53,968,743.43)	$96,332.32
		COMBINED MEASURE E PROJECT TOTALS:	$369,818,295.56	$361,650,034.88	($324,555,033.04)	$8,168,260.68

MEASURE E Project Expenditures From July 1, 2020 to August 27, 2021

Encumbrance Report - Vendor Summary

MEASURE E EXPENDITURE BACKUP 7-1-2020 TO 8-27-2021

Project: 1020000-91200 - El Rodeo - ER Modernization				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
AngelView, LLC	$78,341.00	($54,457.00)	$23,884.00	Documentation Services
City Of Beverly Hills	($1,000.00)	$1,000.00	$0.00	Permits & Fees
Crisp Imaging	$440.14	($440.14)	$0.00	Printing Costs
DTSC	$5,500.92	($5,500.92)	$0.00	Environmental Costs
Darren P. Doerschel	$109,112.50	($10,325.00)	$98,787.50	Technology Costs
Environmental Audit Inc.	$61,732.77	($12,307.14)	$49,425.63	Environmental Costs
GMS Elevator Services, INC	$4,040.00	$0.00	$4,040.00	Elevator Costs
Geo Services, LLC	$26,944.18	($26,944.18)	$0.00	Geo Technical Services
Glumac	$20,876.50	($20,876.50)	$0.00	Engineering/Consultant
HMC Architects	$3,372,747.48	($1,614,166.73)	$1,758,580.75	Architect Fees
King Relocation Services	$36,329.72	($26,295.00)	$10,034.72	Storage Costs
Leighton Consulting, Inc.	$149,162.50	($34,699.15)	$114,463.35	Consultant Costs
Lockton Companies	$41,428.00	($41,428.00)	$0.00	Insurance
Prowest Constructors	$59,235,589.85	($27,893,397.52)	$31,342,192.33	Construction Costs
Team Concept Development Services Inc.	$3,637,352.41	($1,613,274.57)	$2,024,077.84	Project Planning & Support
Twining, Inc.	$440,607.22	($343,414.77)	$97,192.45	GeoTechncial
Verizon Business	$2,326.68	($460.50)	$1,866.18	Telecommunications
Williams Scotsman Inc.	$134,640.54	($39,168.01)	$95,472.53	Relocatable Buildings
Project Total:	**$67,356,172.41**	**($31,736,155.13)**	**$35,620,017.28**	**1020000-91200 - El Rodeo - ER Modernization**

Project: 1040000-91400 - Horace Mann - Modernization (Building A)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Division Of State Architect	$23,198.75	($23,198.75)	$0.00	Plan Check Fees
Moss Levy & Hartzheim	$4,095.00	($4,095.00)	$0.00	Accountant Consultants
Team Concept Development Services Inc.	$6,009.35	($6,009.35)	$0.00	Project Planning & Support
Project Total:	**$33,303.10**	**($33,303.10)**	**$0.00**	**1040000-91400 - Horace Mann - Modernization (Building A)**

Project: 2510000-91100 - Beverly Vista - Modernization (CLOSED)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Beverly Hills Weekly	$400.00	($400.00)	$0.00	Advertising
Crisp Imaging	$896.22	($896.22)	$0.00	Printing Costs
Division Of State Architect	$5,047.71	($5,047.71)	$0.00	Plan Check Fees
Project Total:	**$6,343.93**	**($6,343.93)**	**$0.00**	**2510000-91100 - Beverly Vista - Modernization (CLOSED)**

Project: 3050000-91600 - Beverly Hills HS - Mod. (Planning All Buildings)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
California Geological Survey	$7,200.00	($7,200.00)	$0.00	Geotechnical Costs
Crisp Imaging	$519.76	($519.76)	$0.00	Printing Costs
DTSC	$19,533.39	($19,533.39)	$0.00	Environmental Costs
Edgar Garza Construction	$24,909.50	($24,909.50)	$0.00	Construction Costs
Environmental Audit Inc.	$112,900.93	($112,900.93)	$0.00	Environmental Costs
Geo-Instruments	$121,685.05	($85,869.90)	$35,815.15	Geotechnical
Quality Fence Co., Inc.	$8,880.00	($8,880.00)	$0.00	Fencing Cost
Williams Scotsman Inc.	$168,210.74	($168,210.74)	$0.00	Relocatable Buildings
Project Total:	**$463,839.37**	**($428,024.22)**	**$35,815.15**	**3050000-91600 - Beverly Hills HS - Mod. (Planning All Buildings)**

Project: 3050000-91603 - Beverly Hills HS - Modernization (Bldgs. B1 & B2)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
3QC, Inc.	$45,050.00	($39,066.50)	$5,983.50	Commissioning Agent
AngelView, LLC	$47,416.00	($27,391.00)	$20,025.00	Documentation Services
CDW Government Inc.	$109,208.86	($109,208.86)	$0.00	Technology Costs
DLR Group	$546,199.77	($398,686.75)	$147,513.02	Architect Fees
Darren P. Doerschel	$22,884.25	($15,225.00)	$7,659.25	Technology Costs
Digital Telecommunications	$65,396.49	$0.00	$65,396.49	Telecommunication Costs
Environmental Audit Inc.	$51,058.70	($43,231.69)	$7,827.01	Environmental Costs
Leighton Consulting, Inc.	$210,947.45	($169,449.65)	$41,497.80	Consultant Costs
Offsite	$495.00	($495.00)	$0.00	Copier Moving Costs
Prowest Constructors	$11,373,640.28	($11,373,640.28)	$0.00	Construction Costs
RMA Group	$144,018.36	($128,989.43)	$15,028.93	Testing Costs
School Outfitters	$9,622.25	$0.00	$9,622.25	Furniture Costs
Sewup Jpa C/O Keenan & Associates	$781,857.86	($781,857.86)	$0.00	Insurance Costs
Tangram	$1,005,462.23	($959,165.90)	$46,296.33	Furniture Costs
Team Concept Development Services Inc.	$1,410,581.35	($1,205,673.35)	$204,908.00	Project Planning & Support
U.S. Bank	$4,815.72	($4,815.72)	$0.00	Trustee Costs
Williams Scotsman Inc.	$13,731.50	($13,731.50)	$0.00	Relocatable Buildings
Project Total:	**$15,842,386.07**	**($15,270,628.49)**	**$571,757.58**	**3050000-91603 - Beverly Hills HS - Modernization (Bldgs. B1 & B2)**

Project: 3050000-91610 - Beverly Hills HS - Seismic				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
DLR Group	$50,793.75	($50,793.75)	$0.00	Architect Fees
Project Total:	**$50,793.75**	**($50,793.75)**	**$0.00**	**3050000-91610 - Beverly Hills HS - Seismic**

Project: 3050000-91616 - Beverly Hills HS - Swim Gym Renovation				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Servpro	$1,368,037.22	($1,283,623.24)	$84,413.98	Main Contractor
Project Total:	**$1,368,037.22**	**($1,283,623.24)**	**$84,413.98**	**3050000-91616 - Beverly Hills HS - Swim Gym Renovation**

Project: 5810000-91000 - Facilities & Planning				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Amazon Capital Services	$6,540.36	($2,196.35)	$4,344.01	Furniture & Equipment
B.H.U.S.D.	$183,744.79	($183,744.79)	$0.00	District Project Support
Beverly Hills Weekly	$5,800.00	($800.00)	$5,000.00	Advertising
C.A.S.B.O.	$530.00	($530.00)	$0.00	Travel & Conference
C.A.S.H.	$1,156.00	($1,156.00)	$0.00	Travel & Conference
CDW Government Inc.	$5,803.77	($5,803.77)	$0.00	Technology Costs
California Financial Services	$130,000.00	($130,000.00)	$0.00	Project Planning Support
Crisp Imaging	$621.60	($621.60)	$0.00	Printing Costs
Dell Marketing L.P.	$2,508.20	($2,508.20)	$0.00	Technology Costs
Fedex	$2,798.01	($382.69)	$2,415.32	Mailing Costs
Image IV Systems, Inc.	$10,889.74	($3,748.58)	$7,141.16	Rentals, Leases & Repairs
K 12 School Facilities	$16,957.75	($16,957.75)	$0.00	Contracted Services
M&M Paper Co.	$4,223.94	($1,223.94)	$3,000.00	Office Supplies
Mobile Mini, Llc	$2,890.67	($1,373.85)	$1,516.82	Relocatable Buildings
Moss Adams Llp	$113,750.00	($42,081.25)	$71,668.75	Consulting Costs
Moss Levy & Hartzheim	$25,510.00	($12,685.00)	$12,825.00	Accountant Consultants
Office Depot	$15,362.92	($5,684.48)	$9,678.44	Office Supplies
Ricoh USA INC	$2,329.49	($602.64)	$1,726.85	Copier Rental
Shirley Vasquez	$448.94	($448.94)	$0.00	District Project Support
Tao Rossini APC	$54,359.82	($24,359.82)	$30,000.00	Legal
Team Concept Development Services Inc.	$1,084,983.43	($461,301.93)	$623,681.50	Project Planning & Support
U.S. Bank	$1,803.14	($1,803.14)	$0.00	Trustee Costs
Uline	$10,633.67	($633.67)	$10,000.00	Shipping Costs

Project: 5810000-91000 - Facilities & Planning				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Project Total:	**$1,683,646.24**	**($900,648.39)**	**$782,997.85**	**5810000-91000 - Facilities & Planning**

Project: 5810000-91004 - MTA				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Atkinson, Andelson, Loya, Rudd & Romo	($9.00)	$9.00	$0.00	Legal Fees
B.H.U.S.D.	$9.00	($9.00)	$0.00	District Project Support
Miller Starr Regalia	($605.20)	$605.20	$0.00	Legal Costs
Project Total:	**($605.20)**	**$605.20**	**$0.00**	**5810000-91004 - MTA**

Project: 5810000-91603 - Facilities & Planning - Modernization (Bldgs. B1 & B2)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
King Relocation Services	$4,075.00	($4,075.00)	$0.00	Storage Costs
Project Total:	**$4,075.00**	**($4,075.00)**	**$0.00**	**5810000-91603 - Facilities & Planning - Modernization (Bldgs. B1 & B2)**

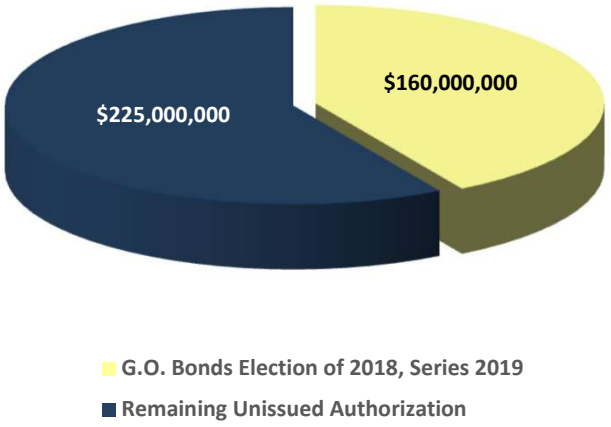
Project: 9900000-91008 - District-Wide Security				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Project Total:	**$0.00**	**$0.00**	**$0.00**	**9900000-91008 - District-Wide Security**
Grand Total:	**$86,807,991.89**	**($49,712,990.05)**	**$37,095,001.84**	**Beverly Hills Unified School District**

MEASURE BH PROGRAM OVERVIEW & EXPENDITURE BACKUP

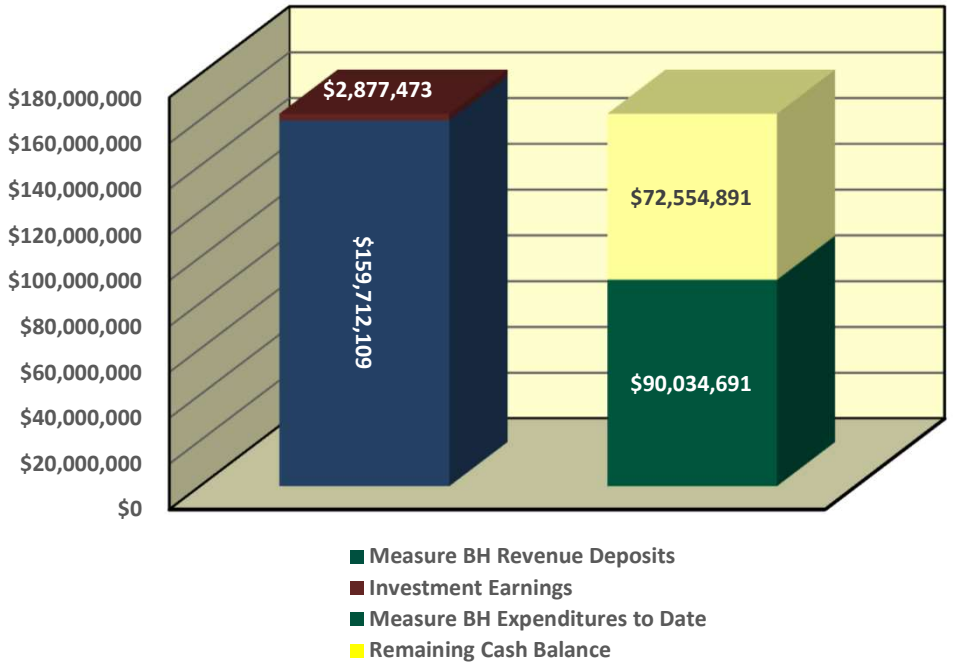
MEASURE BH Program Overview & Revenue Summary

The voters of the Beverly Hills Unified School District (the "District") authorized Measure BH G.O. Bonds in the amount of $385,000,000 on June 5, 2018. 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.

$385,000,000 Measure BH Breakdown



Measure BH Combined Revenue = $162,589,582



MEASURE BH - ESTIMATED PROJECT COMMITMENTS & EXPENDITURES

		District Project Name	Measure BH Estimated Budget	Current Project Commitments	Project Expenditures to Date	Remaining Budget Balance
		A	B	C	D	E (B - C)
Beverly Hills High School						
1	3050000-91600	Beverly Hills HS - Mod. (Planning All Buildings)	$1,790,951.05	$1,790,951.05	($613,864.99)	$0.00
2	3050000-91604	Beverly Hills HS - Modernization (Bldgs. B3 & B4)	116,537,400.00	111,269,289.98	(44,366,494.30)	5,268,110.02
3	3050000-91608	Beverly Hills HS - Building C	74,841,760.00	2,453,488.60	(1,873,664.50)	72,388,271.40
4	3050000-91609	Beverly Hills HS - South Site	63,240,000.00	17,011,510.02	(2,584,695.94)	46,228,489.98
5	3050000-91610	Beverly Hills HS - Seismic	337,906.55	337,906.55	0.00	0.00
6	3050000-91616	Beverly Hills HS - Swim Gym Renovation	257,151.73	257,151.73	(257,151.73)	0.00
7	3050000-FUTURE10	Beverly Hills HS - Parking Project	14,679,456.16	0.00	0.00	14,679,456.16
8	3050000-FUTURE6	Beverly Hills HS - M & O Building	917,965.26	0.00	0.00	917,965.26
9	3050000-FUTURE9	Beverly Hills HS - Interim Housing	816,839.00	0.00	0.00	816,839.00
10	0000017-91700	Venoco Oil Wells	32,281,063.32	31,038,462.07	(31,025,495.60)	1,242,601.25
11	3050000-91701	Beverly Hills HS - Legacy Wells	1,500,000.00	442,393.28	(412,659.28)	1,057,606.72
12	0000017-91702	MTA Oil Wells Abandonment	356,652.38	21,040,669.87	(21,020,081.27)	(20,684,017.49)
13	9900000-91702	MTA Oil Well Abandonment	0.00	(20,926,142.17)	20,926,142.17	20,926,142.17
		Combined Beverly Hills High School Improvements:	$307,557,145.45	$164,715,680.98	($81,227,965.44)	$142,841,464.47
El Rodeo School						
14	1020000-91200	El Rodeo - ER Modernization	$51,105,151.66	$49,086,218.39	($315,692.05)	$2,018,933.27
		Combined El Rodeo School Improvements:	$51,105,151.66	$49,086,218.39	($315,692.05)	$2,018,933.27

MEASURE BH - ESTIMATED PROJECT COMMITMENTS & EXPENDITURES

		District Project Name	Measure BH Estimated Budget	Current Project Commitments	Project Expenditures to Date	Remaining Budget Balance
		A	B	C	D	E (B - C)
Hawthorne School						
15	1030000-91302	Hawthorne - Auditorium Modernization	$5,367,059.47	$0.00	$0.00	$5,367,059.47
		Combined Hawthorne School Improvements:	$5,367,059.47	$0.00	$0.00	$5,367,059.47
Miscellaneous District-Wide Expenses						
16	0000011-91040	Technology - District Wide	$11,100,000.00	$957,421.01	($957,421.01)	$10,142,578.99
17	0000017-91008	District - Security	48,995.50	48,995.50	(48,995.50)	0.00
18	5110000-91040	One-to-One - Technology	2,500,000.00	2,475,523.09	(681,808.99)	24,476.91
19	5810000-91000	Facilities & Planning	4,368,948.66	4,368,948.66	(3,695,715.61)	0.00
20	5810000-91008	District-Wide Security	130,172.20	130,172.20	(130,172.20)	0.00
21	9900000-91008	District-Wide Security	5,700,000.00	5,593,542.57	(2,976,920.07)	106,457.43
		Combined District-Wide Expenditures:	$23,848,116.36	$13,574,603.03	($8,491,033.38)	$10,273,513.33
		COMBINED MEASURE BH PROJECT TOTALS:	$387,877,472.94	$227,376,502.40	($90,034,690.87)	$160,500,970.54

MTA and Oil Well Abandonment reimbursement received to date.

MEASURE BH Project Expenditures From July 1, 2020 to August 27, 2021

Encumbrance Report - Vendor Summary

MEASURE BH EXPENDITURE BACKUP 7-1-2020 TO 8-27-2021

Project: 1020000-91200 - El Rodeo - ER Modernization				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Crisp Imaging	$5,000.00	($661.73)	$4,338.27	Printing Costs
Project Total:	**$5,000.00**	**($661.73)**	**$4,338.27**	**1020000-91200 - El Rodeo - ER Modernization**

Project: 1020000-91702 - El Rodeo - MTA Oil Well Abandonment (CLOSED)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Prowest Constructors	$20,429.90	($20,429.90)	$0.00	Construction Costs
Project Total:	**$20,429.90**	**($20,429.90)**	**$0.00**	**1020000-91702 - El Rodeo - MTA Oil Well Abandonment (CLOSED)**

Project: 3050000-91600 - Beverly Hills HS - Mod. (Planning All Buildings)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
AAA Network Solutions	$12,528.05	($12,528.05)	$0.00	AV
AJ Fistes Corporation	$484,688.00	($484,688.00)	$0.00	Other Construction - Painting
Beverly Hills Weekly	$2,900.00	($400.00)	$2,500.00	Advertising
DLR Group	$192,525.00	$0.00	$192,525.00	Architect Fees
Edgar Garza Construction	$5,000.00	($5,000.00)	$0.00	Construction Costs
Team Concept Development Services Inc.	$26,858.00	($26,858.00)	$0.00	Project Planning & Support
Thomas J Vessella	$3,000.00	($3,000.00)	$0.00	Other Costs
Tom Vessella	$1,800.00	($1,800.00)	$0.00	Consultant
Williams Scotsman Inc.	$986,975.00	($4,913.94)	$982,061.06	Relocatable Buildings
Project Total:	**$1,716,274.05**	**($539,187.99)**	**$1,177,086.06**	**3050000-91600 - Beverly Hills HS - Mod. (Planning All Buildings)**

Project: 3050000-91604 - Beverly Hills HS - Modernization (Bldgs. B3 & B4)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Aneta Zebala	$63,800.00	($5,300.00)	$58,500.00	Painting Conservation
AngelView, LLC	$49,224.00	($32,816.00)	$16,408.00	Documentation Services
Crisp Imaging	$5,000.00	($947.89)	$4,052.11	Printing Costs
DLR Group	$3,799,989.45	($1,725,290.65)	$2,074,698.80	Architect Fees
Darren P. Doerschel	$56,262.50	($4,432.75)	$51,829.75	Technology Costs
Glumac	$16,417.70	($16,417.70)	$0.00	Engineering/Consultant
IDENTIFY	($285.47)	$285.47	$0.00	Legal Fees
KYA Services, LLC	$40,581.97	($40,581.97)	$0.00	Construction Costs
Leighton Consulting, Inc.	$281,873.57	($96,202.74)	$185,670.83	Consultant Costs
Lockton Companies	$458,789.36	($458,789.36)	$0.00	Insurance

Project: 3050000-91604 - Beverly Hills HS - Modernization (Bldgs. B3 & B4)				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
MTA	($88.00)	$88.00	$0.00	Mass Transit Authority
Prowest Constructors	$48,791,945.40	($20,707,884.42)	$28,084,060.98	Construction Costs
RMA Group	$607,240.00	($425,294.44)	$181,945.56	Testing Costs
SWRCB Accounting Office	$465.00	($465.00)	$0.00	Utility Costs
Servpro	$124,421.32	($124,421.32)	$0.00	Main Contractor
Southern California Relief	$97,821.00	($97,821.00)	$0.00	Other Costs
Team Concept Development Services Inc.	$2,913,116.58	($1,269,994.56)	$1,643,122.02	Project Planning & Support
Valcom Inc	$1,113.00	$0.00	$1,113.00	Audio Visual Equipment
Project Total:	**$57,307,687.38**	**($25,006,286.33)**	**$32,301,401.05**	**3050000-91604 - Beverly Hills HS - Modernization (Bldgs. B3 & B4)**

Project: 3050000-91608 - Beverly Hills HS - Building C				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
County of Los Angeles	$2,613.00	($2,613.00)	$0.00	Permits & Fees
DLR Group	$1,788,188.10	($1,352,604.00)	$435,584.10	Architect Fees
Division Of State Architect	$515,950.00	($515,950.00)	$0.00	Plan Check Fees
Team Concept Development Services Inc.	$146,737.50	($2,497.50)	$144,240.00	Project Planning & Support
Project Total:	**$2,453,488.60**	**($1,873,664.50)**	**$579,824.10**	**3050000-91608 - Beverly Hills HS - Building C**

Project: 3050000-91609 - Beverly Hills HS - South Site				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
DLR Group	$860,614.00	($201,520.42)	$659,093.58	Architect Fees
Division Of State Architect	$104,300.00	($44,070.00)	$60,230.00	Plan Check Fees
Leighton Consulting, Inc.	$50,036.50	($9,021.50)	$41,015.00	Consultant Costs
Prowest Constructors	$15,750,068.00	($2,229,068.00)	$13,521,000.00	Construction Costs
Team Concept Development Services Inc.	$246,491.52	($101,016.02)	$145,475.50	Project Planning & Support
Project Total:	**$17,011,510.02**	**($2,584,695.94)**	**$14,426,814.08**	**3050000-91609 - Beverly Hills HS - South Site**

Project: 3050000-91610 - Beverly Hills HS - Seismic				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
DLR Group	$337,906.55	$0.00	$337,906.55	Architect Fees
Project Total:	**$337,906.55**	**$0.00**	**$337,906.55**	**3050000-91610 - Beverly Hills HS - Seismic**

Project: 3050000-91616 - Beverly Hills HS - Swim Gym Renovation				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Servpro	$257,151.73	($257,151.73)	$0.00	Main Contractor
Project Total:	**$257,151.73**	**($257,151.73)**	**$0.00**	**3050000-91616 - Beverly Hills HS - Swim Gym Renovation**

Project: 3050000-91700 - Venoco Oil Wells				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
ARB, Inc.	$57,383.84	($44,417.37)	$12,966.47	Consulting Costs
City Of Beverly Hills	$7,562,309.26	($7,562,309.26)	$0.00	Permits & Fees
Keenan & Associates	$1,033,247.74	($1,033,247.74)	$0.00	Insurance Costs
Tao Rossini APC	$8,700.00	($8,700.00)	$0.00	Legal
Team Concept Development Services Inc.	$438,843.86	($438,843.86)	$0.00	Project Planning & Support
WZI Inc	$108,359.48	($108,359.48)	$0.00	Consulting Costs
Project Total:	**$9,208,844.18**	**($9,195,877.71)**	**$12,966.47**	**3050000-91700 - Venoco Oil Wells**

Project: 3050000-91701 - Beverly Hills HS - Legacy Wells				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Leighton Consulting, Inc.	$74,623.08	($74,623.08)	$0.00	Consultant Costs
Team Concept Development Services Inc.	$31,864.50	($2,130.50)	$29,734.00	Project Planning & Support
WZI Inc	$335,905.70	($335,905.70)	$0.00	Consulting Costs
Project Total:	**$442,393.28**	**($412,659.28)**	**$29,734.00**	**3050000-91701 - Beverly Hills HS - Legacy Wells**

Project: 3050000-91702 - Beverly Hills HS - MTA Oil Well Abandonment				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
AAA Network Solutions	$54,414.42	($54,414.42)	$0.00	AV
AJ Fistes Corporation	$120,787.00	($120,787.00)	$0.00	Other Construction - Painting
ARB, Inc.	$19,297,430.46	($19,297,430.46)	$0.00	Consulting Costs
B.H.U.S.D.	($232,330.00)	$232,330.00	$0.00	District Project Support
Clark Seif Clark, Inc	$330.00	($330.00)	$0.00	Environmental Costs
Edgar Garza Construction	$190,454.56	($190,454.56)	$0.00	Construction Costs
King Office Services	($2,139.00)	$2,139.00	$0.00	Technology Support
King Relocation Services	$54,342.50	($54,342.50)	$0.00	Storage Costs
Pods Enterprises LLC	$17,897.50	($16,593.34)	$1,304.16	Rentals, Leases & Repairs
Primoris ARB	$21,915.45	($21,915.45)	$0.00	Construction Management
Prowest Constructors	$25,075.26	($25,075.26)	$0.00	Construction Costs

Project: 3050000-91702 - Beverly Hills HS - MTA Oil Well Abandonment				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Securitech	$19,350.00	($19,350.00)	$0.00	Security Costs
Tao Rossini APC	$475,806.13	($475,806.13)	$0.00	Legal
Team Concept Development Services Inc.	$755,939.76	($755,939.76)	$0.00	Project Planning & Support
The Tao Firm	($87,404.42)	$87,404.42	$0.00	Legal Costs
Vector Resources, Inc.	$51,602.78	($51,602.78)	$0.00	Technology Costs
Williams Scotsman Inc.	$158,243.13	($151,300.52)	$6,942.61	Relocatable Buildings
Project Total:	**$20,921,715.53**	**($20,913,468.76)**	**$8,246.77**	**3050000-91702 - Beverly Hills HS - MTA Oil Well Abandonment**

Project: 5110000-91040 - One-to-One - Technology				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
AAA Network Solutions	$600.00	($600.00)	$0.00	AV
Amazon Capital Services	$6,449.47	($6,449.47)	$0.00	Furniture & Equipment
Apple Computer	$239,783.72	($239,783.72)	$0.00	Technology Costs
Arey Jones Educational Solutions	$1,854,519.77	($60,805.67)	$1,793,714.10	Technology Equipment
B & H Photo Video	$38,620.05	($38,620.05)	$0.00	Photography Supplies
CDW Government Inc.	$1,058.57	($1,058.57)	$0.00	Technology Costs
Dell Marketing L.P.	$208,482.85	($208,482.85)	$0.00	Technology Costs
Guitar Center	$1,022.73	($1,022.73)	$0.00	Music Equipment & Supplies
U.S. Bank	$3,254.04	($3,254.04)	$0.00	Trustee Costs
Vector Resources, Inc.	$121,731.89	($121,731.89)	$0.00	Technology Costs
Project Total:	**$2,475,523.09**	**($681,808.99)**	**$1,793,714.10**	**5110000-91040 - One-to-One - Technology**

Project: 5810000-91000 - Facilities & Planning				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Moss Adams Llp	$78,750.00	($38,750.00)	$40,000.00	Consulting Costs
Moss Levy & Hartzheim	$25,510.00	($12,685.00)	$12,825.00	Accountant Consultants
Office Depot	$282.78	($282.78)	$0.00	Office Supplies
Procore Technologies	$110,000.00	($110,000.00)	$0.00	Technology Costs
Rodeo Graphics	$481.80	$0.00	$481.80	Printing Costs
Tao Rossini APC	$57,455.00	($57,455.00)	$0.00	Legal
Team Concept Development Services Inc.	$1,103,206.86	($483,280.61)	$619,926.25	Project Planning & Support
Project Total:	**$1,375,686.44**	**($702,453.39)**	**$673,233.05**	**5810000-91000 - Facilities & Planning**

Project: 5810000-91008 - District-Wide Security				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Foothill Communications Inc	$130,172.20	($130,172.20)	$0.00	Telecommunication (walkie Talkie)
Project Total:	**$130,172.20**	**($130,172.20)**	**$0.00**	**5810000-91008 - District-Wide Security**

Project: 5810000-91702 - MTA Oil Well Abandonment				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Image IV Systems, Inc.	$200.00	($200.00)	$0.00	Rentals, Leases & Repairs
Williams Scotsman Inc.	$14,644.62	($2,302.79)	$12,341.83	Relocatable Buildings
Project Total:	**$14,844.62**	**($2,502.79)**	**$12,341.83**	**5810000-91702 - MTA Oil Well Abandonment**

Project: 9900000-91008 - District-Wide Security				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
Dell Marketing L.P.	$1,960.25	($1,960.25)	$0.00	Technology Costs
Multicard	$5,336.48	($5,336.48)	$0.00	Keycard Reader
Team Concept Development Services Inc.	$5,586,245.84	($2,969,623.34)	$2,616,622.50	Project Planning & Support
Project Total:	**$5,593,542.57**	**($2,976,920.07)**	**$2,616,622.50**	**9900000-91008 - District-Wide Security**

Project: 9900000-91702 - MTA Oil Well Abandonment				
Vendor	**Encumbrance**	**Expenditure**	**Balance**	**Description**
B.H.U.S.D.	$232,330.00	($232,330.00)	$0.00	District Project Support
MTA	($21,158,472.17)	$21,158,472.17	$0.00	Mass Transit Authority
Project Total:	**($20,926,142.17)**	**$20,926,142.17**	**$0.00**	**9900000-91702 - MTA Oil Well Abandonment**
Grand Total:	**$98,346,027.97**	**($44,371,799.14)**	**$53,974,228.83**	**Beverly Hills Unified School District**

APPENDIX E

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

20XX-20XX CONSOLIDATED PROCUREMENT ACTIVITY REPORT - FORMAL & INFORMAL BIDS

Bid No.	FORMAL BID / INFORMAL BID / RFQ / RFP/CUPCCAA UNDER $60K	Site and TYPE	Fund	PROJECT COORDINATOR	APPROVAL TO GO OUT TO BID	ESTIMATED COST	SPECS DUE	1st ADV DATE	2nd ADV DATE	Proof of Pub. (date rec'd)	Job Walk Location, Date & Time	RFI DUE	RFI RESPONSE DUE	# of Addenda	Pre-Qual Packet Due	BID OPENING Location, Date & Time	# of Responses Received	NOI	BOARD DATE	AWARD LTR	NTP	AMOUNT	CONTRACTOR /VENDOR	PO #	Register Project to DIR	NOC

CONSOLIDATED PROCUREMENT ACTIVITY REPORT - PROFESSIONAL SERVICES											
DEPT	BAI DATE	VENDOR	SITE	PROJECT NAME	POINT PERSON	PROJECT #	PRO TYPE	MEASURE	DUE DATE	# OF RESPONSES RECEIVED	AWARD AMOUNT
FY 20XX-20XX											

Professional Services Procurement and Fraud Detection Checklist under $175,000

Project Name: _____

Date: _____

		✔	Notes	Initial
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			

Form Updated By & Date	

Professional Services Procurement and Fraud Detection Checklist over $175,000

Project Name: _____

Date: _____

		✔	Notes	Initial
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			

Form Updated By & Date	

Bid Project Procurement & Fraud Detection Checklist

Project Name: _____

Date: _____

		✔	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 w Rationale			
8	Determine Timeframe to Receive Bid			
9	Determine if BOE NOI to Bid Required			
10	Determine if Prequalification is Required			
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 Policy/Procedures			
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 w Estimate			
32	Address Any Holes in Bid v Estimate and Track			
33	Process BOE BAI to Award			
34	Create Hardcopy Project File			
35	Start file with Bid and Bid Result Sheet			
36	Complete Entry in Consolidated Activity Report			
37	Distribute NOI, Agreement, Request Ins/Bonds			
38	Obtain Superintendent's Signature			
39	Process NTP			

Form Updated By & Date

APPENDIX F

Resolution No. 2015-16-13 Adopting CUPCCAA

Resolution No. 2015-16-14 Adopting Informal Bidding Procedures

Welcome letter from State Controller

Notification letter increasing CUPCCAA limits

Public Works Up to $44,999.99

CUPCCAA Tracking $45,000 to $59,999.99

CUPCCAA Tracking $60,000 to $200,000

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:	5
NOES:	0
ABSENT:	0
ABSTAIN:	0

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

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:	5
NOES:	0
ABSENT:	0
ABSTAIN:	0

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

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

Guiselle 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 Cruce
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

RECEIVED
FEB 29 2016
SUPERINTENDENT

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

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
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Guiselle Carreon
Commercial Warrants &
Accounts Payable Manager
San Diego County Office of
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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
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~Vacant~
Labor

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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

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

Los Angeles County Office of Education

9300 Imperial Highway, Downey, California 90242-2890 • (562) 922-6111

Debra Duardo, M.S.W., Ed.D., *Superintendent*

INFORMATIONAL BULLETIN # 5316

December 21, 2020

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 $96,700

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, 2021, the SSPI has determined that the inflation adjusted bid threshold will increase by $1,500 from $95,200 to $96,700. Shown below are the inflation adjusted bid thresholds for the current and two prior years:

Calendar Year	Bid Threshold	Percent Change in Implicit Price Deflator
January 1, 2019	$92,600	3.39%
January 1, 2020	$95,200	2.76%
January 1, 2021	$96,700	1.57%

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/bidthreshold2021.asp.

For districts that adopted the CUPCCAA (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

PSFS Districts Commercial Claims

The "amount hold" threshold for all PeopleSoft districts will automatically be increased to $96,700 effective January 1, 2021.

Please contact Ares Ayson at (562) 922-6849 or e-mail Ayson_Ares@lacoe.edu if you have any questions regarding this bulletin.

Approved:
Nkeiruka Benson, Director
Division of School Financial Services

GL:lt

SFS-A27-2020-2021

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).

PUBLIC WORKS UP TO $44,999.99

Procurement Summary and Approval

Form Completed by (your name):					
Project Name:					
Today's Date:					
NOTE: Use of Project Procurement & Fraud Detection Checklist Required		**PROCUREMENT REQUIREMENTS**			
1) **Procurement process**		**Negotiated Amount - Purchase Order**			
2) How was outreach performed? (NOTE: keep track and record contact trail for all outreach methods & history)		a. Email			
		b. Call			
		c. Other	Describe:		
3) Scope of work					
4) Contractors license required		**Yes**	Classification:		
5) DIR registration required		**Yes**			
6) Prevailing wage		**Yes**			
7) Contractors (2 required)		1)		Amount:	
		2)		Amount:	
8) # of days required to complete work					
9) Agreement required		**Yes**			
10) Insurance certificate		**Yes**			
11) Payment & performance bonds		**Required if over $25,000**			
12) Board date					
13) Board agenda item or request for ratification		**Yes**			
14) DIR project registration		**Required if project is over $25,000**			
15) Request purchase order		**Yes**			

Program Management Signature: _____ **Date:** _____

PUBLIC WORKS BETWEEN $45,000-$59,999.99

Procurement Summary and Approval

Form Completed by (your name):					
Project Name:					
Today's Date:					
NOTE: Use of Project Procurement & Fraud Detection Checklist Required		**PROCUREMENT REQUIREMENTS**			
1) **Procurement process**		**Negotiated Amount - Purchase Order**			
2) How was outreach performed? (NOTE: keep track and record contact trail for all outreach methods & history)		a. Email			
		b. Call			
		c. Other	Describe:		
3) Scope of work					
4) Contractors license required		**Yes**	Classification:		
5) DIR registration required		**Yes**			
6) Prevailing wage		**Yes**			
7) Responding contractors (3 required)		1)		Amount:	
		2)		Amount:	
		3)		Amount:	
8) # of days required to complete work					
9) Agreement required		**Yes**			
10) Insurance certificate		**Yes**			
11) Payment & performance bonds		**Yes**			
12) Board agenda item or request for ratification		**Yes**			
13) Board approval date		**Yes**			
14) DIR project registration		**Yes**			
15) Request purchase order		**Yes**			

Program Management Signature: _____ **Date:** _____

PUBLIC WORKS BETWEEN $60,000-$200,000

Procurement Summary and Approval

Form Completed by (your name):	
Project Name:	
Today's Date:	

NOTE: Use of Project Procurement & Fraud Detection Checklist Required		PROCUREMENT REQUIREMENTS			
1) **Informal Bid Procurement process**		**Informal Bid with CUPCCAA List**			
2) Notice of Inviting Bids emailed to CUPCCAA list of contractors		**Yes (10 days notice)**			
3) Notice of Inviting Bids emailed to list of prequalified contractors		**Yes (10 days notice)**			
4) How was outreach performed? (NOTE: keep track and record contact trail for all outreach methods & history)		a. Email (10 days notice)			
		b. Call			
		c. Other	Describe:		
5) Scope of work					
6) Contractors license required		Yes	Classification:		
7) DIR registration required		Yes			
8) Prevailing wage		Yes			
9) Job walk? (check one)		Mandatory job walk			
		Non-mandatory job walk			
10) # of bidders at job walk?					
11) # of bids received?					
12) 3 lowest bids received?	1)			Amount:	
	2)			Amount:	
	3)			Amount:	
13) # of days required to complete work					
14) Agreement required		Yes			
15) Insurance certificate		Yes			
16) Payment & performance bonds		Yes			
17) Prepare Board item to recommend award		Yes			
18) Board approval date		Yes			
19) DIR project registration		Yes			
20) Request purchase order		Yes			

Program Management Signature: _____ **Date:** _____

APPENDIX G

Resolution 2017-2018-007 Request for Qualifications for Pre-Construction and Lease-Leaseback Services

Prequalification Packet

Regular Board of Education Meeting
September 26, 2017 5:00 PM

CLOSED SESSION - Administrative Building
255 South Lasky Drive Beverly Hills, CA 90212

OPEN SESSION - STC/Jon Cherney Lecture Hall, Beverly Hills High School
241 Moreno Drive Beverly Hills,

Agenda Item:	**XII.B. Approval of Resolution 2017-2018-007 to issue a Request for Qualifications for Preconstruction and Lease-Leaseback Services**
Rationale:	The Board of Education is intending to prequalify construction contractors to perform services relating to projects utilizing a Lease-Leaseback (LLB) Guaranteed Maximum Price Contract (GMAX) approach under PCC Section 17406. See Attached Resolution
Recommended Motion:	It is respectfully requested that the Board of Education adopt Resolution 2017-2018-007 and authorize the Superintendent to proceed with implementing prequalification of construction contractors to perform services relating to projects utilizing a Lease-Leaseback Guaranteed Maximum Price Contract approach under Public Contract Code Section 17406.
Actions Taken:	**Motion Passed:** A motion was made for Approval of Resolution 2017-2018-007 to issue a Request for Qualifications for Preconstruction and Lease-Leaseback Services. Passed with a motion by Noah Margo and a second by Isabel Hacker.

Attachments:
Resolution 2017-2018-007

RESOLUTION NO. 2017-2018-007

RESOLUTION OF THE BOARD OF EDUCATION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT TO ISSUE A REQUEST FOR QUALIFICATIONS FOR PRE-CONSTRUCTION AND LEASE-LEASEBACK SERVICES

WHEREAS, the Beverly Hills Unified School District ("District") plans to construct various projects throughout the District using the lease-leaseback construction delivery method whereby the District will lease sites that the District owns, to contractors who will construct improvements thereon and lease the project and the underlying site back to the District;

WHEREAS, Education Code section 17406 authorizes the governing board of a school district to let to any person, firm or corporation any real property belonging to the District if the instrument by which the property is let requires the lessee therein to construct on the demised premises, or provide for the construction thereon of, a building or buildings for the use of the school district during the term of the lease, and provides that title to that building shall vest in the school district at the expiration of that term;

WHEREAS, any lease-leaseback contract pursuant to Education Code section 17406 shall be based on a competitive solicitation process and awarded to the proposer providing the "best value" (as defined in Education Code section 17400), taking into consideration the proposer's demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required;

WHEREAS, Education Code section 17406(a)(2) requires the District's Board of Education ("Board") to adopt and publish required procedures and guidelines for evaluating qualification of proposers to ensure the best value selections by the District are conducted in a fair and impartial manner;

WHEREAS, in order to ensure that moneys sufficient to pay all costs will be available for a project, the District will appropriate funds for any lease-leaseback project from the current fiscal year the lease-leaseback contract is awarded;

WHEREAS, in order to construct a project using the lease-leaseback delivery method, it is necessary that the District enter into a site lease in which the site will be leased to a contractor, and a sublease which provides for the sublease of the site and the lease of the project by the contractor to the District, and that certain other action be taken and authorized;

WHEREAS, the sublease will include construction provisions with which contractor shall comply with respect to construction of a project ("Construction Services Agreement");

WHEREAS, the Board has been presented with the form of each document referred to herein relating to the transaction contemplated hereby and the Board has examined and approved each document as to form and desires to authorize and direct evaluation of qualifications in accordance with Education Code section 17406; and

WHEREAS, the District desires by a majority of the vote of the Board and pursuant to Education Code section 17604 and similar statutes, to delegate authority to the District's Superintendent to evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the attached Request for Qualifications, to assign a best value score to each proposal, and once the evaluation process is complete, to rank all responsive proposals from the highest best value to the lowest best value to the District, and to otherwise carry out the intent of this Resolution.

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Recitals. All of the recitals herein contained are true and correct.

Section 2. Request for Qualifications. The form of the Request for Qualifications to be issued to proposers meeting the requirements set forth in Education Code section 17406 and attached hereto as Exhibit "A" is hereby approved and adopted by the Board.

Section 3. Site Lease and Sublease. The form of agreements entitled "Site Lease," "Sublease" and "Construction Services Agreement," each attached to the Request for Qualifications and presented during this meeting and each to be entered into by and between the District and the proposer providing the best value to the District, are hereby approved and adopted subject to any revisions which are acceptable to both District's Superintendent and District's legal counsel.

Section 4. Approval of Process. The Governing Board hereby approves the lease-leaseback process and the competitive solicitation process as set forth herein and the documents attached hereto as Exhibit "A."

Section 5. Other Acts; Delegation. The District's Board hereby approves a delegation of authority and appoints its Superintendent, or the designee of the Superintendent, who is/are hereby authorized and directed, to evaluate the qualifications of the proposers based solely upon the criteria and evaluation methodology set forth in the attached Request for Qualifications, to assign a best value score to each proposal, and once the evaluation process is complete, to rank all responsive proposals from the highest best value to the lowest best value to the District, and to otherwise carry out the intent of this Resolution, all subject to ratification of the Board of Education. Said delegation shall be valid until otherwise rescinded by the Board.

Section 6. Effective Date. This Resolution shall take effect upon adoption.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Beverly Hills Unified School District this 26th day of Sept, 2017, by the following vote:

AYES: 5

NOES: 0

ABSENT: 0

ABSTAINED: 0

I, Mel Spitz, President of Beverly Hills Unified School District Governing Board, do hereby certify that the foregoing is a full, true, and correct copy of the 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.

Mel Spitz

President of the Board of Education
Beverly Hills Unified School District

I, Michael Bregy, Clerk of the Board of Education of the Beverly Hills Unified School District, do hereby certify that the foregoing Resolution was introduced and adopted by the Board of Education of the Beverly Hills Unified School District at a regular meeting thereof held on the 26th day of Sept, 2017, by the following forgoing vote.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the Beverly Hills Unified School District this 26th day of Sept, 2017.

Michael Bregy

Clerk of the Board of Education
Beverly Hills Unified School District

EXHIBIT "A"



REQUEST FOR QUALIFICATIONS
FOR
PRECONSTRUCTION AND LEASE-LEASEBACK SERVICES FOR BEVERLY HILLS HIGH SCHOOL MODERIZATION OF BUILDINGS B1 AND B2

Proposal Deadline Date

October 30, 2017 at 4:00 PM

Submit to:

Beverly Hills Unified School District
255 S. Lasky Drive
Beverly Hills, CA 90212
Attn: Don Blake

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I. PURPOSE OF THE RFQ:

By way of this Request for Qualifications ("RFQ"), the Beverly Hills Unified School District ("District") seeks Statement of Qualifications (SOQ) from lease-leaseback contractors ("Contractor" or "Firm") to provide preconstruction services and lease-leaseback construction services for the District's Beverly Hills High School Moderization of Buildings B1 and B2 ("Project"). The purpose of this RFQ is to obtain information that will enable the District to select a lease-leaseback Contractor using the "best value" competitive procurement process under Education Code section 17400 et seq., that can assist the District with both preconstruction services and construction services. The "best value" competitive procurement process is an evaluation process whereby a Firm is selected by the District on the basis of objective criteria for evaluating the qualifications of Firms, with the selected Firm representing the best combination of price and qualifications. Each Contractor responding to this RFQ should be prepared and qualified to provide the preconstruction services and lease-leaseback construction services described in this RFQ to the District in an expeditious and timely manner and on relatively short notice so as to enable the District to meet critical time deadlines and schedules.

II. BACKGROUND ON THE PROJECT:

Beverly Hills Unified School District is located in Los Angeles and serves approximately 4300 students at five campuses (four elementary schools, and one high school) from the City of Beverly Hills. Many of the District's school buildings are in need of modernization and deferred maintenance. This Project will be constructed using the lease-leaseback project delivery method authorized by Education Code section 17400 et seq. The District has contracted with DLR Group to be the Architect of Record for the Project, and the lease-leaseback Contractor will be expected to provide both preconstruction services and lease-leaseback construction services for the Project as described below:

The general description on the project consists of structural demolition, seismic upgrades, mechanical, electrical and plumbing replacements, fire life safety, interior space reconfigurations, architectural and historical restoration and repairs, ADA compliance, site work, hardscape and landscaping. Selective demolition and abatement including demolition of interior finishes, mechanical, electrical and plumbing and abatement of lead and asbestos materials has been completed.

The estimated construction budget for this Project is $30,000,000 and the estimated performance period is 24 months.

III. RFQ TIMELINE:

Request for Qualifications Issued..... Wednesday, October 4, 2017

Deadline for Submittal of Questions.....Friday, October 20, 2017
Responses to the Questions Submitted .....Wednesday, October 25, 2017
Due Date for Submittal of SOQ……Monday, October 30,2017 by 4:00 pm

Notification of Short List firms……..Friday, November 3, 2017
Short List Interviews .....Wednesday, November 8, 2017

IV. QUESTIONS AND CLARIFICATION OF THE RFQ

All questions, requests for explanation or clarifications of any kind in regard to this RFQ shall be made in written form, submitted via email to Don Blake, at dblake@bhusd.org; by no later than 4:00 p.m., Friday, October 20, 2017. A response will not be provided to any late questions, or requests for explanation or clarifications. All addenda and clarifications will be posted on the District's website, www.bhusd.org, and provided to those Firms that have registered with the District. Any interpretation, clarification, or correction of this RFQ will only be made by addendum as noted above. No person or Firm is authorized to make any oral interpretation of any provision in this RFQ, nor shall any oral interpretation be binding on the District.

V. PRECONSTRUCTION SERVICES

The District anticipates that the successful Contractor will provide preconstruction services including, but not limited to, reviewing the Project's plans and specifications during the design of the Project to identify and note all deficiencies, incongruities and inconsistencies that may affect constructability of the Project including, but not limited to, design and specification omissions, incomplete and/or inconsistent plans, details and specifications, and any lack of coordination, together with all other appropriate, necessary and/or required services to facilitate and prepare for the successful development and construction of the Project.

The preconstruction services will also include, but not be limited to, the following tasks: design meeting with the architects and engineers; review and validation of estimates prepared by the architect; preparation of a master critical path method schedule for the Project; preparation of cost estimates based on the final construction documents, including allowances, contingencies, general conditions, costs and fees; constructability reviews; value engineering; construction planning and phasing, and cost proposal strategies all with the goal that the DSA-approved plans and specifications for the Project will be complete such that the Project can be constructed by a competent licensed general building contractor in strict accordance with the DSA-approved plans and specifications without change orders, delays, or additional charges to District.

The successful Contractor shall not provide any preconstruction services or work that requires a contractor's license pursuant to Business and Professions Code section 7065 et seq.

VI. DIR REGISTRATION AND PREVAILING WAGES

DIR Registration. Contractors and their subcontractors (of any tier) shall not be qualified to submit or be listed on a proposal, or engage in the performance of any contract for public work, as defined in the Labor Code, unless currently registered and qualified to

perform public work pursuant to Section 1725.5 of the Labor Code. It is not a violation of this section for an unregistered contractor to submit a proposal that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 of the Labor Code at the time the contract is awarded.

Prevailing Wages. The Contractor and all subcontractors shall comply with the requirements set forth in Division 2, Part 7, Chapter 1 of the Labor Code. Pursuant to Labor Code section 1770 et seq., the District has obtained from the Director of the Department of Industrial Relations the general prevailing rate of per diem wages and the general prevailing rate for holiday and overtime work in the locality in which this work is to be performed for each craft, classification or type of worker needed to execute the contract. Copies are available from the District to any interested party on request and are also available from the Director of the Department of Industrial Relations.

VII. SUBCONTRACTOR DESIGNATIONS

Pursuant to Education Code section 17406(a)(4)(A), the District is **NOT** requiring all Firms to identify and designate the subcontractors in their proposals. However, after award of the lease-leaseback contract for the Project, and in accordance with Education Code section 17406(a)(4)(B), any subcontractor whose subcontract value exceeds one-half of one percent of the price allocable to the total construction work on the project must be awarded a subcontract in accordance with the following process:

A. Provide public notice of availability of work to be subcontracted in accordance with publication requirements applicable to the competitive bidding process of the District, including a fixed date and time on which qualifications statements, bids, or proposals will be due.

B. Establish reasonable qualification criteria and standards.

C. Award the subcontract either on a best value basis or to the lowest responsible bidder.

The process above may include prequalification or short-listing. Subcontractors awarded subcontracts as set forth above shall be afforded all the protections of the Subletting and Subcontracting Fair Practices Act (Public Contract Code section 4100 et seq.)

All subcontractors (of any tier) performing any portion of the Work must comply with Labor Code sections 1725.5 and 1771.1 and must be properly and currently registered with the California Department of Industrial Relations and qualified to perform public works pursuant to Labor Code section 1725.5 throughout the duration of the Project.

VIII. CONTENTS OF THE STATEMENT OF QUALIFICATIONS

Firms must submit one original, three hard copies and a digital copy (on a usb drive) of the proposal. All proposals should address the requested information for each of the

evaluation categories below. The proposal shall demonstrate the qualifications, competence, and capacity of the Firm:

A. **Cover Letter/Letter of Interest** - Include a cover letter, addressed to Don Blake, stating the eligibility of the Firm to respond to this RFQ, a brief description and history of the Firm, and a statement of interest.

B. **Table of Contents** - The table of contents shall reflect the order stated herein and shall include section titles and page numbers.

C. **Evaluation Categories**

1. **Mandatory Requirements** – The following requirements are mandatory and must be satisfied. The mandatory requirements will be scored on a pass/fail basis. Failure to meet any one of the mandatory requirements specified in this Section VIII(C)(1) will disqualify your Firm from any further consideration for this RFQ.

   a. **Lease-Leaseback Contractor Qualification** – All Firms submitting a proposal to this RFQ must be qualified with the District pursuant to Public Contract Code section 20111.6 (b)-(m) without exception prior to submitting a proposal. Any Firm that submits a proposal and is not prequalified will be deemed non-responsive and that Firm's proposal will be rejected and returned to the Firm unopened.

   b. Qualification documents are available from the Beverly Hills Unified School District website at www.bhusd.org, and at 255 S. Lasky Drive, Beverly Hills, CA 90212. **Contractor Responsibility** – Identify if your Firm has ever had the following occur in the past seven (7) years. For the purposes of this paragraph, "Firm" shall include any present or past (over the last five years), officers, owners, principals, partners, or any qualifying individuals including any RME or RMO. Any occurrence of the following in the past seven (7) years shall render the Firm not qualified to submit a proposal:

      - Found to be a non-responsible contractor by any public agency;
      - Convicted for false claims;
      - Firm's license revoked or suspended;
      - Debarred or otherwise ineligible to bid on or be awarded a public works contract;
      - Terminated for cause or defaulted on a construction contract; or

- Convicted of a crime involving the awarding of a construction contract, or the bidding or performance of a construction contract.

c. **License Requirements** – Pursuant to Business and Professions Code section 7028.15 and Public Contract Code section 3300, the Contractor must possess a California Contractor's **Class "B"** license at the time of submittal of its proposal, and for the duration of the contract, if awarded. Subcontractors must possess the appropriate license for the work to be performed on the Project.

d. **Performance and Payment Bonds** – All Firms submitting a proposal to this RFQ must be able to provide separate faithful payment and performance bonds, each in an amount equal to 100% of the total contract amount. All bonds must be issued by a California admitted surety as defined in California Code of Civil Procedure section 995.120. Firms must provide a letter from their surety indicating the Firm's current and overall bonding capacity, and the ability to meet the bond requirements in Section 35.13 of the Construction Services Agreement.

e. **Insurance Requirements** - All Firms submitting a proposal to this RFQ must have the ability to meet all of the requirements for and enroll in the District's Owner Controlled Insurance Program (OCIP). All costs for the OCIP will be borne by the District.

2. **Firm Personnel, Capacity, and Methodology – Attachment 1**. Each Firm must completely answer all questions in Attachment 1 of the RFQ. Note: **Questions may be answered in other sections of the proposal if clearly and conspicuously identified and referenced in the proposal.** The following shall be stated:

a. **Description of Firm** – Include a description of the Firm's qualifications for providing preconstruction and lease-leaseback services on California school construction projects. Include information regarding the size of the Firm, location of the office from which the required services will be performed, nature of all work performed, and the number of years in this particular business. The Firm shall provide an affirmative statement that it is independent of the District as defined by generally accepted standards.

b. **Firm's Personnel and Staffing Resources** – Submit resume(s) or profiles for each key staff who will be proposed

to provide the requested services, including their qualifications and recent relevant experience providing similar services. Each resume shall include, without limitation, the following information; (a) education; (b) years of relevant experience; (c) professional registrations, certifications and affiliations (d) project-specific experience with focus on public works projects and emphasis on K-12 projects providing preconstruction and lease-leaseback services, including dates and durations of each project listed and the name of the firm where employed. Include a discussion on the Firm's philosophy and approach for providing outstanding customer service.

c. **Capacity & Methodology** – Describe how the Firm will provide services and fulfill the requirements and expectations of the District and this RFQ. Use this section to address the ability of your Firm to undertake and accomplish the required scope of services while meeting deadlines, the Firm's record of meeting schedules and deadlines of other clients, advantages over other firms in the same industry, strength and stability as a business, and supportive client references. Describe the Firm's ability to provide preconstruction and lease-leaseback services exclusively and in a timely manner for the District and the Firm's commitment to providing experienced personnel assigned to District's Project.

d. **Litigation** – Furnish and provide specific information on any termination for convenience, litigation settled or judgments entered within the last five (5) years, as well as any civil judgments within the last five (5) years. Identify if the Firm or any employee of the Firm is a party to an existing dispute with an owner, or owner's consultants, related to any project for which the Firm provided construction services. If so, please describe the nature of the dispute and its anticipated outcome.

Identify if the Firm has ever filed a petition for bankruptcy. If so, please provide the date the petition was filed and identify the jurisdiction in which it was filed.

3. **Relevant Experience and Past Performance** – Description of past performance and related experience. Each Firm is required to submit a list of its most relevant preconstruction and lease-leaseback and/or GMAX (guaranteed maximum price) services provided in the past five (5) years that are of the approximate size of the Project described in the RFQ. The list shall include: (1) a description and size of the project, (2) scope of the work, (3) dates services were performed for preconstruction services, lease-leaseback and/or

GMAX (4) total price for the project (please state amounts separately for preconstruction services and for lease-leaseback services and include the final guaranteed maximum price and all contingencies and allowances), and (5) owner's name, address, and phone number.

4. **Preconstruction Services** – Describe your methodology in providing preconstruction services for the Project, specifically discussing value engineering, constructability review, estimating, and scheduling. Provide examples of constructability reviews that you performed that resulted in the identification of significant design conflicts or omissions, and of value engineering that resulted in significant savings of money or time. State whether your firm has building information modeling capability and use of BIM.

5. **Labor Compliance/Skilled and Trained Workforce** – Describe your ability to comply with statutory requirements for the payment of prevailing wages, including the monitoring and enforcement of your subcontractor's payment of prevailing wages. Provide copies of any DIR Civil Wage and Penalty Assessment issued against your Firm, explain the circumstances for the Civil Wage and Penalty Assessment, and the final resolution.

   Further describe your plan and methodology to comply with the requirements for the use of a "skilled and trained workforce" as defined in Education Code section 17407.5 and Public Contract Code section 2600 et seq., for each apprenticable occupation that will be used on the Project, including all subcontractors of any tier. Include in your discussion your plan and methodology to comply with the percentage requirements for the use of "skilled journeypersons" for each apprenticable occupation and the required monthly report demonstrating compliance. Please include a copy of a sample monthly report prepared by your firm for another owner if available. Finally, identify and discuss which apprenticable occupation(s) will be the most difficult to meet the percentage requirements for skilled journeypersons on the Project and state why.

6. **Safety** – Discuss your plan to maintain a safe worksite. In your discussion, include whether your Firm has an Injury and Illness Prevention Program that complies with 8 CCR § 1509, whether your Firm has a safety program that meets Cal/OSHA requirements, and whether your Firm will provide a full-time person dedicated to safety on the Project.

   Please state whether you have had any accidents in the past five years that resulted in a construction fatality on any of your projects and provide any details for each incident.

Please state whether you have had any recordable injuries in the past five years and provide the average total recordable injuries for the past five years.

Please provide an EMR verification from the State of California or an insurance company for each of the past five years.

7. **Exceptions to the Preconstruction Agreement, and/or Lease-Leaseback Agreement** – The form of both the Preconstruction Services Agreement, and Lease-Leaseback Agreement (Site Lease, Sublease, and Construction Services Agreement) are attached to this RFQ as Attachment 2. Please review each agreement and provide any proposed exceptions to those agreements on Attachment 1, Firm Questionnaire, Section E.

IX. PREPARATION AND SUBMITTAL OF THE PROPOSAL

A. Proposal Submittal and Deadline

One original, three hard copies and a digital copy (on a usb drive) of the proposal must be submitted under sealed cover by no later **than 4:00 p.m. on October 30, 2017.** Label the outside of the sealed proposal envelope or box with your company name, proposal title and RFQ deadline.

Proposals shall be delivered to the attention of:

Don Blake
Beverly Hills Unified School District
255 S. Lasky Drive
Beverly Hills, CA 90212

It is the sole responsibility of the Firm submitting the proposal to ensure that its proposal is actually received in the office prior to the deadline time and due date. Unless this RFQ is extended by a written amendment, proposals received after the time on the due date will not be considered. Faxed or emailed proposals will not be accepted.

B. Proposal Completeness

Proposals shall be completed in all respects as required by the instructions herein. A proposal may be rejected if it is conditional or incomplete, or if it contains alterations of form or major irregularities of any kind as determined by the District. A proposal will be rejected if, in the opinion of the District, the information contained therein was intended to mislead the District in the evaluation of the proposal.

C. District Not Responsible For Preparation Costs

All costs incurred in the preparation, submission and/or presentation of Firms responding to the RFQ including, but not limited to, the Firm's travel expenses or long distance

charges to attend any pre-conferences, presentations, interviews, and negotiation sessions, shall be the sole responsibility of the Firm and will not be reimbursed by the District. The District shall not pay for any costs incurred for proposal or contract preparation as a result of termination of this RFQ or termination of the contract resulting from this RFQ.

D. Right to Use Ideas

All proposals and other materials submitted become the property of the District. District reserves the right to use any ideas presented in any response to the RFQ. Selection or rejection of the proposal shall not affect this right.

E. Modification or Withdrawal Of Proposal

A Firm may modify or withdraw a proposal after submission by written request of withdrawal and re-submission, provided that the proposal withdrawal is prior to the proposal deadline specified.

F. Amendments

Firms are advised that the District reserves the right to amend this RFQ at any time. Amendments will be done formally by providing written amendments to all potential Firms known to have received a copy of the RFQ and/or by publishing the amendment on the District's website.

G. Equal Opportunity

The Firm shall certify that it is an Equal Opportunity Employer and has made a good faith effort to improve minority employment and agrees to meet federal and state guidelines. Legal residents of the United States of America shall be used in providing all services under this RFQ.

Firm shall not discriminate nor permit discrimination against any person because of race, color, religion, age, national origin, ancestry, creed, handicap, sexual orientation, or union membership in the performance of the work, including but not limited to preparation, manufacturing, fabrication, installation, erection and delivery of all supplies and equipment. In the event of receipt of such evidence of such discrimination by the Firm or its agents, employees or representatives, District shall have the right to rescind and terminate the contract.

The successful Firm agrees to include the paragraph above with appropriate adjustments in all subcontracts, which are entered into for work to be performed pursuant to the contract.

H. Waiver or Breach Thereof

No term or provision of this RFQ shall be deemed waived and no breach excused, unless such waiver or consent shall be in writing and signed by an individual authorized to so waive or consent. Any consent by either party to, or waiver of, a breach by the other, whether express or implied, shall not constitute a consent to, waiver of, or excuse for, any other breach or subsequent breach, except as may be expressly provided in the waiver or consent.

I. Covenant Against Gratuities

The Firm warrants that no gratuities (in the form of entertainment, gifts, or otherwise) were offered or given by the Firm or any agent or representative of the Firm, to any officer or employee or consultant of the District with a view toward securing the resultant contract or securing favorable treatment with respect to any determinations concerning the award of the contract. For breach or violation of this provision, the District shall have the right to terminate any negotiation or the resultant contract, either in whole or in part, and any loss or damage sustained by the District in procuring on the open market any items which the Firm agreed to supply shall be borne and paid for by the Firm. The rights and remedies of the District provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law.

J. Indemnification and Insurance

The Firm, at its own expense and without exception, shall indemnify, defend and pay all damages, costs, expenses, including attorney fees, and otherwise hold harmless the District, its employees and representatives, from any liability of any nature or kind in regard to the delivery of these services. (See, Construction Services Agreement Section 35.4 for insurance requirements and Section 36 for hold harmless and indemnify requirements.)

K. Conflict of Interest

The Firm is in agreement that it presently has no interest and will not acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of the services hereunder. The Firm further agrees that no person having any such known interest or conveyed an interest shall be employed, directly or indirectly, in the delivery of services under this RFQ.

L. Independent Contractor

The Firm represents itself as an independent contractor offering such services to the general public and shall not represent him/herself or his/her employees to be an employee of the District. Therefore, the Firm shall assume all legal and financial responsibility for taxes, FICA, employee fringe benefits, workers compensation, employee insurance, minimum wage requirements, overtime, and other expenses.

M. Precedence of Documents

The contract between the District and the successful Firm(s) shall consist of (1) this Request for Qualifications (RFQ) and any amendments thereto, (2) the Agreements included herein to be executed with the successful Firm(s); and (3) the proposal submitted by the Firm to the District in response to the RFQ. In the event of a conflict in language between the documents referenced above, the provisions and requirements set forth and/or referenced in the Agreement shall govern. However, the District reserves the right to clarify any contractual relationship in writing with the concurrence of the Firm, and such written clarification shall govern in case of conflict with the applicable requirements stated in the RFQ or the Firm's proposal. In all other matters not affected by the written clarification, if any, the RFQ shall govern.

N. Compliance with Laws

In connection with the furnishing of services or performance of work under this RFQ, the Firm agrees to comply with the Fair Labor Standards Act, Equal Opportunity Employment Act, and all other applicable federal and state laws, regulations and executive orders to the extent that the same may be applicable.

X. PROPOSAL EVALUATION AND BEST VALUE SCORE

A. Proposal Evaluation Committee

The District's Proposal Evaluation Committee will consist of at least three (3) members and will score each proposal based on the evaluation categories and points set forth in the RFQ (See, Section X.B.). Each Firm's proposal will be evaluated and scored only on the information that is included in the Firm's proposal. If any information is missing or incomplete in your proposal, you will not be provided the opportunity to supply the missing or incomplete information, nor will the District seek clarification of any information included in the proposals. Each proposal must be capable of being evaluated independently based solely on the information contained in the proposal.

B. Evaluation Categories, Points, and Scoring

Each member on the Proposal Evaluation Committee will independently score each proposal and each Firm's score will be equal to the average score from the Evaluation Committee (i.e., the total number of points from the Proposal Evaluation Committee divided by the number of Proposal Evaluation Committee members: intial score = sum total of points/number of committee members). The intial score will be calculated to two decimal places. Although the Proposal Evaluation Committee will independently score each proposal, the members reserve the right to discuss the RFQ process and information in any proposal with other members.

The RFQ contains ten (10) Evaluation Categories and the maximum number of points for each category is shown in the table below. There are 1500 possible points.

EVALUATION CATEGORY	POINTS
Mandatory Requirements	Pass/Fail
Firm Personnel, Capacity, and Methodology	250
Relevant Experience and Past Performance	300
Preconstruction Services	50
Labor Compliance/Skilled and Trained Workforce	150
Safety	50
Exceptions to Preconstruction/LLB Agreements	50
Interview (if used)	250
MAXIMUM TOTAL SCORE	1100

C. Short List Interviews

After each Firm's score is calculated, the Proposal Evaluation Committee may, at its sole discreition, determine the short list of Firms to interview with the Proposal Evaluation Committee. If interviews are conducted, the interview will consist of a presentation (15 minutes) followed by a question and answer period (15 minutes). After the interview, the Proposal Evaluation Committee will add the points for the "Interview" Evaluation Category based on the information presented at the interviews and the Firm's performance to determine the Firm's total final score. If the Firm provides information during the Interview that differs from, or otherwise clarifies any information in the proposal submitted, the Proposal Evaluation Committee reserves the right to adjust any previous points given to the Firm in the appropriate Evaluation Category.

The total final scores will be used to determine the Best Value Scores (as defined in Education Code section 17400). Best Value Score = sum total of points/number of committee members. A Best Value Score will not be calculated for those Firms not invited to interview with the Proposal Evaluation Committee.

XI. GENERAL TERMS AND CONDITIONS

District Obligation

Receipt of proposals and responses to this RFQ does not obligate the District in any way. The District reserves the right to accept or reject any or all proposals, and to waive any irregularities or informalities in any proposal or in the RFQ process.

Award of Contract

This RFQ implies no obligation to award contracts to any Firm. If it is in the best interest of the District, the District retains the sole and absolute right to select the Firm that best meets the District requirements. The award is subject to acceptance by the Governing Board of the District. The District also reserves the right to reject any or all proposals.

Approval to Start Work

The successful Firm may perform work once a Lease-Leaseback Agreement (Site Lease, Sublease, and Construction Services Agreement) has been fully executed and approved by both parties and all appropriate documentation has been received and approved by the District, and a purchase order has been issued. The District shall not be responsible for work done, even in good faith, prior to approval of the agreement and purchase order issuance by the District.

Ownership of Documents

All proposals and materials submitted in response to this RFQ shall become the property of the District and shall be considered a part of public records and subject to disclosure under the California Public Records Act, unless exempted by law. In addition, all designs, drawings, specifications, notes and other work developed in the performance of any services resulting from this RFQ shall be the sole property of District and may be used by District for any purposes without additional compensation to the selected Firm. The selected Firm agrees not to assert any rights or to establish any claim under the design patent or copyright laws.

Joint Ventures

Where two or more Firms desire to submit a single response to this RFQ, they should do so on a prime-subcontractor basis rather than as a joint venture or informal team. The District intends to contract with a single Firm and not with multiple Firms doing business as a joint venture.

Fingerprinting

Per the provisions of Education Code section 45125.1, the District has a zero tolerance policy for all Firms having any contacts with students without clearance from the State Department of Justice. All assigned personnel shall comply with the fingerprinting clearance law prior to providing services at the school sites.

ATTACHMENT 1 – FIRM QUESTIONNAIRE

The Respondent shall furnish all the following information accurately and completely for the Respondent and each of the proposed staff and submit this with the proposal. Failure to comply with this requirement may cause rejection of the Respondent's qualifications. Additional sheets may be attached if necessary. "You" or "your" or "Respondent" as used herein refers to the Respondent and/or any of its owners, officers, directors, shareholders, parties, principals, or any qualifying individuals including any RME or RMO.

If the same information is provided elsewhere in your qualification and qualification materials, then please clearly identify such in the following questions.

Please be advised that the District may request verbal or written clarifications, additional information, an interview or presentation at any time regarding this questionnaire.

SECTION A - GENERAL INFORMATION

(1) Respondent name, address and contact information:

_____

_____

_____

_____

_____

(2) Telephone:_____ Facsimile:_____

Email and Internet Addresses:_____

(3) Type of Respondent: (check one)

Individual _____ Partnership _____ Corporation _____

(4) Names and titles of all principals/officers of the Respondent:

Name	Title	Phone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____

(5) Please list any applicable certifications and licenses and their associated numbers:
_____

(6) Have you or any of your principals ever conducted similar services under a different name or certification or different license number? _____.

(a) If yes, give other name, address and certification or license number.

Name _____

Address _____

License No. (if any) _____

(7) How many years has Respondent been in business under its present business name?

_____

(8) How many years of experience does Respondent have providing similar services?

_____

(9) For how many public agencies has Respondent provided similar services?

_____

(10) Please list the public agencies, including any school districts that Respondent has provided similar services for:

_____

_____

_____

_____

(11) Please attach a short history of the Respondent including whether it is local, national, or international as well as approximate number of employees. Also provide the number of offices and locations.

(12) Identify preconstruction and lease-leaseback construction services performed for other school districts in accordance with parameters described above.

(13) Describe how Respondent has successfully provided preconstruction and lease-

leaseback construction services such as those described herein.

(14) Describe the unique or innovative preconstruction and lease-leaseback construction services utilized on previous projects.

SECTION B – LEGAL

(15) Have you or any of your principals been in any claim, litigation or arbitration of any kind on a question or questions relating to similar services involving a school or community college district during the prior five (5) years? _____.

(a) If yes, provide the name of the public agency and briefly detail the dispute:

_____

_____

_____

_____

(16) Have you ever had a service agreement terminated for convenience in the prior five (5) years? _____.

(a) If yes, provide details including the name of the other party:

_____

_____

_____

_____

(17) Is Respondent, owners, and/or any principal or manager involved in or is Respondent aware of any pending litigation regarding professional misconduct, bad faith, discrimination, or sexual harassment? _____.

(a) If yes, provide details:

_____

_____

_____

(18) Is Respondent, owners, and/or any principals or manager involved in or aware of any pending disciplinary action and/or investigation conducted by any local, state or federal agency? _____.

(a) If yes, provide details:

_____

_____

_____

_____

(20) Will Respondent comply with all District, local, state and federal legal requirements, regulations and laws? _____.

SECTION C – ADDITIONAL INFORMATION

(21) Please provide any other information that may assist the District in ascertaining your qualifications, capability and customer service under any resultant agreement.

SECTION D – CONFLICT OF INTEREST

(22) Have you ever had any direct or indirect business, financial or other connection with any official, employee or consultant of the District? Identify any conflict of interest in (a):

(a) Please elaborate and discuss any potential, apparent or actual conflict of interest:

_____

_____

_____

_____

SECTION E. Exceptions to Agreement Forms

The Firm is required to list any exceptions to terms in the Agreement Forms below.

_____

_____

_____

_____

_____

_____

_____

_____

_____

I certify and declare under penalty of perjury under the laws of the State of California that the information provided in the foregoing Firm Questionnaire is true and correct.

Executed this ____ day of _____, 20__, at _____,

State of _____

_____ _____

Company Name Signature

_____ _____

Title Print Name

ATTACHMENT 2 – AGREEMENT FORMS

ADDENDUM NO. 1 MEASURES E AND BH PROGRAMS PREQUALIFICATION

INSTRUCTIONS FOR CONSTRUCTION CONTRACTORS

Notice is hereby given by the **Beverly Hills Unified School District** ("District") that each Prime/General Contractor and Electrical, Mechanical, or Plumbing ("MEP") Subcontractor holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and/or C-46 specialty licenses (as defined in Public Contract Code section 20111.6) planning to participate in bidding on certain public projects to be undertaken by the District, must be pre-qualified prior to submitting bids for such public projects. Pursuant to Public Contract Code Section 20111.6 bidders on all public projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond that involve a projected public project expenditure of one million dollars ($1,000,000) or more must be pre-qualified.

Prequalification application packages are available on the District's website, ***https://www.bhusd.org/bids/*** or at the District's main office.

Timeline

In order to submit a valid bid for any project requiring pre-qualification, prospective bidders must submit a pre-qualification questionnaire, a financial statement, and a standardized bidding form at least ten (10) business days prior to the date fixed for the public opening of sealed bids. All prospective bidders must be deemed pre-qualified to bid at least five (5) business days prior to that date.

This prequalification packet includes a questionnaire and financial statement to be verified under oath. The District will use the information and documentation required by the packet to prequalify general contractors and MEP subcontractors in accordance with Public Contract Code section 20111.6.

Questionnaire

All questions in the questionnaire must be answered. If a question is not applicable, then indicate a response of "N/A". "You" or "Yours" as used herein refers to the prospective bidder's firm and any of its owners, officers, principals and qualifying individuals. Any references to owners, officers, principals or partners herein shall include any qualifying individuals including any RME or RMO. 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 prospective bidder becomes inaccurate, the prospective bidder must immediately notify the District and provide updated accurate information in writing, 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 statement.

Financial Statement

In addition to completing the attached questionnaire, each prospective bidder must submit its most current reviewed or year-end audited financial statement, with accompanying notes and supplemental information, for the past one (1) full fiscal year. The statement must have been prepared within twelve (12) months of each prospective bidder's submission of the prequalification package.

A compilation as a substitution for the financial statements outlined above is not acceptable.

A letter verifying availability of a line of credit may also be attached; however, it will be considered supplemental information only, and is not a substitute for the required financial statement.

Financial statements submitted with this prequalification package shall not be prepared by any individual who is in the regular employ of the firm submitting the statement, nor by any individual or entity who has more than a ten percent (10%) financial interest in the firm's business. If the individual or entity that prepared a financial statement submitted with this prequalification package has any financial interest in the firm's business, the firm shall notify the District of such financial interest in a separate signed statement accompanying this prequalification package.

Insurance

A minimum of $1,000,000 per occurrence and $2,000,000 aggregate liability insurance for individual projects where the engineer's estimate is $1,000,000 - $5,000,000.

For individual projects with an engineer's estimate of $5,000,000 or more, the District may require higher limits based on the size or complexity of project. Prime/General Contractors and MEP Subcontractors submitting Prequalification Packages for Measures E & BH Programs projects understand and agree that regardless of an approved District prequalification rating, insurance requirements for a specific District project will be identified in the District's project documents at the time of bidding.

- A Certificate of Insurance must be issued naming the Beverly Hills Unified School District as additional insured with policy limits and dates of coverage.

Bondability

The bonding surety is required to be an admitted surety in the State of California and on the United States Treasury's Listing of Approved Sureties https://www.fiscal.treasury.gov/fsreports/ref/suretyBnd/c570.htm.

- It is required that each Prime/GC prospective bidder include a notarized letter of bondability from the surety indicating the prospective bidder's per project and aggregate limits.

The prospective bidder's single bonding capacity must be, at a minimum, the District's estimated value for an individual project. The surety may be contacted to confirm willingness to bond to a particular limit.

In the event that the prospective bidder is unable to obtain a letter of bondability stating single and aggregate bonding capacity in the time prescribed by the District, the prospective bidder may be suspended from the qualified contractors' list and not be allowed to bid on District projects until proof of bondability is provided.

Evaluation by the District

The District will evaluate the information provided and issue each submitting prospective bidder a rating of "Prequalified" or "Not Prequalified". For prime/general contractors, the rating may include a maximum single project limit for bidding on projects as a prime contractor; however, at no time may the prospective bidder's single project limit with the District exceed their bonding capacity.

The District's decision will be based on the information provided, references, and such additional outside information as the District in its discretion deems reasonable and necessary to obtain. The District may, but is not obligated to, investigate the truth of any statements or information provided by a prospective bidder in response hereto.

Prequalification approval will remain valid for one (1) calendar year from the date of notice of prequalification, except that the District reserves the right during that calendar year to adjust, increase, limit, suspend or rescind the prequalification ratings based on subsequently learned information and after giving notice of the proposed action to the prospective bidder and an opportunity for a hearing consistent with the hearing procedures described below for appealing a pre-qualification determination.

While it is the intent of the prequalification questionnaire and documents required herein to assist the District in determining bidder responsibility prior to the submission of bids and to aid the District in selecting the lowest responsible bidder, neither the fact of prequalification, nor any prequalification rating, will preclude the District from a post-bid consideration and determination on a specific project of whether a bidder has the quality, fitness, capacity and experience to satisfactorily perform the proposed work and has demonstrated the requisite trustworthiness.

Appeal

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. Notice shall be sent to the address listed above. 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.

After receipt of a request for appeal, the District will provide the prospective bidder any supporting evidence that has been received from others or adduced as a result of an investigation by the

District. The appealing prospective bidder will be provided an opportunity to rebut any evidence. The District, in its sole discretion, may conduct a hearing regarding the prospective bidder's timely appeal. If such a hearing is conducted, the prospective bidder consents to the District's Superintendent, or his or her designee, to act as the hearing officer.

Bidding

Bids will not be accepted from any prospective bidder who did not timely submit a completed prequalification questionnaire and supporting documents, including financial statements, 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".

MEP subcontractors (licensed pursuant to Section 7058 of the Business and Professions Code, specifically contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38, C-42, C-43, and C-46 licenses) must also meet prequalification requirements on all projects using funds received pursuant to the Leroy F. Greene School Facilities Act of 1998 or any funds from any future state school bond that involve a projected expenditure of one million dollars ($1,000,000) or more. If a project includes electrical, mechanical, or plumbing components that will be performed by MEP subcontractors, a list of prequalified general contractors and MEP subcontractors will be made available by the District to all bidders at least five (5) business days prior to the dates fixed for the public opening of sealed bids.

If a general contractor uses any MEP subcontractor required for any project, such MEP subcontractor must be prequalified pursuant to these prequalification forms and requirements. If a MEP subcontractor in any general contractor bid is not prequalified, that bid will not be accepted.

Prospective bidders are warned that a project may have specific requirements that differ or are in addition to being properly prequalified pursuant to these documents. A determination that a contractor or MEP subcontractor is prequalified pursuant to these documents does not automatically mean a contractor or MEP subcontractor meets all of the requirements of a specific project. Prospective bidders are instructed to carefully review the requirements for each project before submitting a bid.

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 applications submitted and to make all final determinations. Additionally, a determination by the District that a prospective bidder is prequalified does not amount to a final determination that such prospective bidder is responsible or responsive for purposes of 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.

Submission

Prospective bidders are encouraged to submit prequalification packages as soon as possible, so that they may be notified of prequalification status well in advance of the bid process. The

prequalification packages should be sealed, marked "**CONFIDENTIAL PREQUALIFICATION**," and mailed to the following:

BEVERLY HILLS UNIFIED SCHOOL DISTRICT
ATTN: MARGIE SANCHEZ
CONSTRUCTION & FACILITIES DEPT.
255 SOUTH LASKY DRIVE
BEVERLY HILLS, CA 90212

Mail or deliver the completed questionnaire along with the following requirements as identified in the District's prequalification instructions:

- Reviewed or audited financial statement with accompanying notes and supplemental information for the past one (1) full fiscal year
- Letter of Bondability stating single and aggregate bonding capacity
- Certificate of Insurance issued to Beverly Hills Unified School District
- Letter of Credit (optional)

The questionnaire answers and financial statements included in the prequalification packages submitted by prospective bidders are not public records and are not open to public inspection. All such information provided will be kept confidential to the extent permitted by law, although the contents may be disclosed to third parties for the purpose of verification, investigation of substantial allegations, and in the process of any subsequent proceedings. State law requires that the names of contractors applying for prequalification status shall be public records subject to disclosure, and the first page of the questionnaire will be used for that purpose.

FOR QUESTIONS CONTACT:

Margie Sanchez
Bond Program Project Coordinator
Phone: (310) 551-5100 Ext. 5189
E-Mail: msanchez@bhusd.org

BEVERLY HILLS UNIFIED SCHOOL DISTRICT PREQUALIFICATION QUESTIONNAIRE

IMPORTANT INFORMATION: Please note: Declaration under penalty of perjury (last page of questionnaire) is required under State law. Failure to sign form will invalidate the prequalification packet. A passing score in general for prequalification does not guarantee that bidder will be eligible to bid this particular project. Contractors will receive a separate determination as to the overall prequalification dollar limit.

CONTACT INFORMATION

Contractor_____
(as it appears on license)

Check one of the following:

☐ Corporation
☐ Partnership
☐ Sole Proprietorship
☐ Joint Venture

Contact Person: _____

Address (City, State, Zip):_____

Phone: _____ Fax: _____

Email: _____ Company Website: _____

Contractor's License Number(s) and Types (Please include expiration date):

_____
_____
_____

Tax ID Number _____

If firm is a sole proprietor or partnership:

Owner(s) of Company _____

Company Union Status: Union Non-Union

Minority Status: MBE DBE DVBE SBE DBE

Other Minority Certification: _____

BEVERLY HILLS UNIFIED SCHOOL DISTRICT PREQUALIFICATION QUESTIONNAIRE

PART I. ESSENTIAL REQUIREMENTS FOR PREQUALIFICATION

Contractor will be immediately disqualified if the answer to any of questions 1 through 6 is "no."[1]

To Contractors seeking prequalification as a subcontractor only: You must respond to all Part I questions, however your response to Part I, Question Number 5 will not be rated.

Contractor will be immediately disqualified if the answer to any of questions 7, 8, 9 or 10 is "yes."[2] If the answer to question 9 is "yes," and if debarment would be the sole reason for denial of prequalification, any prequalification 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 **(Please provide a current Certificate of Insurance as verification)**

3. Contractor has a 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;

[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 3.

[2] A contractor disqualified solely because of a "Yes" answer given to question 7, 8, or 10 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 August 12, 2013, the qualifying amount is $10 million, and 25 percent of that amount, therefore, is $2.5 million.

however, it will be considered as supplemental information only, and is not a substitute for the required financial statement.

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 prequalification if you are seeking prequalification for a single project; or (if you are seeking prequalification valid for one (1) year) and (b) your current available bonding capacity?[4]

☐ Yes ☐ No

NOTE: Notarized statement must be from the surety company, not an agent or broker. Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.

6. Are you currently registered with the Department of Industrial Relations in accordance with Labor Code section 1725.5?

☐ Yes ☐ No

If yes, what is your registration number _____.

Please submit proof of registration.

7. Has your contractor's license been revoked at any time in the last five years?

☐ Yes ☐ No

8. 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

9. At the time of submitting this prequalification 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:

_____

[4] An additional notarized statement from the surety may be requested by **the Beverly Hills Unified School District** at the time of submission of a bid, if this prequalification package is submitted more than sixty (60) days prior to submission of the bid.

10. 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

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 percent of the corporation's stock.

Name	Position	Years with Co.	% Ownership	Last four 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 percent or more of the business, or 10 percent 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 percent or more of the firm.

Name	Position	Years with Co.	% Ownership	Last four Social Security #'s

*last four numbers of Social Security is suitable.

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 percent or more of the business, or ten percent 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 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 percent or more of the business, or ten percent 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

B. History of the Business and Organizational Performance

2. How many years has your organization completed work for public agencies? Years:_____

3. Has your organization ever been licensed in California under a different name or different license number?

☐ Yes ☐ No

If "yes," please list all name(s) and license number(s), on a separate signed page.

4. Are you currently prequalified with any other school district?

☐ Yes ☐ No

If yes, please identify the school district(s), with contact information and the dollar rating that you have been prequalified for at such school district(s), on a separate signed page.

5. 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.

6. Is the firm a subsidiary, parent, holding company or affiliate of another construction firm?
NOTE: Include information (including license number(s) about other firms if one firm owns 50 percent 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. Please include all name(s) and license number(s)

7. 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.

List your firm's gross revenues for each of the last three years:

Year: _____ $_____

Year: _____ $_____

Year: _____ $_____

8. How many years has your organization been in business in California as a contractor under your present business name and license number? _____ Years

9. 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.

10. If your firm is not currently in bankruptcy, was your firm in bankruptcy at any time during the last five years?

☐ 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.

In what type of construction do you specialize?: _____

What was the largest amount of work completed in one year: _____

Number of projects: _____ Year:_____ Amount of Largest Project:_____

C. Licenses

List all California construction license numbers, classifications and expiration dates of the California contractor licenses held by your firm:

_____

_____

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 California State License Board records who meet(s) the experience and examination requirements for each license.

_____

_____

11. Has your firm changed names or license numbers 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.

D. Surety and Bonding Information

Bonding capacity: **Please provide a letter stating bondability from current surety company.** Also, please provide documentation from your surety (not agency) identifying the following: **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

Name of bonding company/surety: _____

Name of surety agent/contact person, address and telephone number:

_____

14. If your firm was required to pay a premium of more than one percent 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 percent, if you wish to do so. **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however you will not be rated according to your response.**

_____

List all other sureties, not agencies (name, contact person, full address, phone number, largest bond obtained) that have written bonds for your firm during the last five years, including the dates during which each wrote the bonds. (If necessary, list on separate signed shee.t) **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however, your response will not be rated.**

_____

_____

_____

15. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however, your response will not be rated.**

☐ 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.

(NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this request, however, your response will not be rated.)

16. 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? **NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this question, however your response will not be rated.**

☐ 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.

(NOTE: Contractors seeking prequalification as a subcontractor only: You must respond to this request, however your response will not be rated.)

17. Has your firm ever failed to complete a contract?

☐ Yes ☐ No

If "yes," explain on a separate signed page.

How many projects is your firm currently bonded for? _____

What are the contract amounts your firm has currently bonded?

Contracts	Amount Bonded

E. Insurance

Insurance Company: _____

Address: _____

City, State, Zip: _____

Phone Number: _____ Facsimile Number: _____

Contact Person: _____

18. How long have you been with this insurance company?

_____

If less than two years, please list prior insurance companies below:

Insurance Company	Address	Phone	Contact Person	Year(s)

19. 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.

20. Has your organization had insurance terminated by a carrier in the past five (5) years due to an excessive claims history and/or nonpayment of premium?

☐ Yes ☐ No

If "yes," explain on a separate signed sheet. Name the insurance carrier, the form of insurance, and year of termination.

F. Safety Program & Workers' Compensation

Each bidder shall submit a copy of the Table of Contents from bidder's established safety/injury prevention program which complies with the Contract Documents and all applicable governmental regulations. After determination of the successful bidder, its subcontractors must submit a copy of their respective safety/injury prevention programs within five (5) days of the District's request.

Bidder: _____

Signature: _____

By: _____

Date: _____

Each bidder shall submit its workers' compensation experience modification factor. After determination of the successful bidder, its subcontractors must submit their workers compensation modification factor within five (5) days of District's request.

21. List your firm's Experience Modification Rate (EMR) (California Workers' Compensation Insurance) for each of the past premium years:

Current Year: _____

Previous Year: _____

Year Prior to Previous Year: _____

If your EMR for any of these three years is or was 1.25 or higher you may, if you wish, attach a letter of explanation.

22. 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.)

G. Compliance with Occupational Safety and Health Laws and with Other Labor Legislation Safety

Each bidder, and its subcontractors, must declare any serious or willful violations of Part 1 (commencing with Section 6300) of Division 5 of the California Labor Code received during the last five years. This information must include all construction work undertaken in the United States by the bidder and any affiliate of the bidder. Separate information shall be submitted for each particular partnership, joint venture, corporation, limited liability company or individual bidder or subcontractor. The bidder or its subcontractors may be requested to submit additional information or explanation of data, which District may require for evaluating the safety record. The term "affiliate" shall mean any firm, corporation, partnership, joint venture, limited liability company or association which is a member, joint venturer or partner of the bidder, or any such entity which owns a substantial interest in, or is owned in common with, the bidder, its subcontractor or any of its members, joint venturers or partners, or any such entity in which the bidder, its subcontractor, or any of their members, joint venturers or partners own a substantial interest.

23. Has your firm ever received a serious or willful safety violation during the last five (5) years?

☐ Yes ☐ No

If "yes," attach a separate signed page describing the violation, including information about the dates, the nature of the violation, the project on which the citation(s) was or were issued, the amount of penalty paid, if any.

24. 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," attach 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.

25. 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.

26. Has the EPA, any Air Quality Management District, any Regional Water Quality Control Board, or any local authority 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.

27. How often do you require documented safety meetings to be held for construction employees and field supervisors during the course of a project?

_____

28. How often do you conduct documented safety inspections on a construction site?

Daily _____ Weekly _____ Quarterly _____

29. Does your firm currently have a safety plan which complies with the current OSHA standards?

☐ Yes ☐ No

30. Have any of the subcontractors you retained received a serious or willful industrial safety violation during the last five (5) years?

☐ Yes ☐ No

If "yes," attach a separate signed page listing each subcontractor, its license number and provide a brief explanation.

H. Prevailing Wage and Apprenticeship Compliance Record

31. 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.

32. 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.

33. 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 the District.

_____

_____

34. 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.

_____

_____

_____

35. 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 Departments final decision(s)

I. Disputes

36. 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.

37. 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 prequalification 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.

38. 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.

* * * * *

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.

39. In the past five years has any claim **against** your firm concerning your firm's work on a construction project in California 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).

40. In the past five years has your firm made any claim against a project owner concerning work on a project in California or payment for a contract in California 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).

J. Criminal Matters and Related Civil Suits

41. 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.

42. 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.

43. 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.

PART III. FINANCIAL INFORMATION

Audited or reviewed statements are required for all construction projects totaling over $1,000,000 or more. (A certificate of a licensed accountant will be required in all cases).

1. COMPLETE THIS CERTIFICATE FOR A REVIEW ONLY OF FINANCIAL STATEMENTS

We have reviewed the accompanying financial statements of _____ _____ as of _____. The information included in the financial statements is the representation of the management of the above firm.

Based on our review with the exception of the matter(s) described in the following paragraph(s), we are not aware of any material modifications that should be made to the accompanying financial statements in order for them to be in conformity with generally accepted accounting principles.

_____ _____

(Type Name of Firm) (Accountant Signature)

_____ _____

(Telephone Number) (License Number)

(NOTE THIS REVIEW CONSISTS PRINCIPALLY OF INQUIRIES OF MANAGEMENT AND APPROPRIATE ANALYTICAL PROCEDURES APPLIED TO THIS FINANCIAL DATA. IT IS SUBSTANTIALLY LESS IN SCOPE THAN AN EXAMINATION IN ACCORDANCE WITH GENERALLY ACCEPTED AUDITING STANDARDS, THE OBJECTIVE OF WHICH IS THE EXPRESSION OF AN OPINION REGARDING THE FINANCIAL STATEMENTS TAKEN AS A WHOLE. ACCORDINGLY, WE HAVE NOT EXPRESSED SUCH AN OPINION.)

BEVERLY HILLS UNIFIED SCHOOL DISTRICT PREQUALIFICATION QUESTIONNAIRE

PART IV. FINANCIAL INFORMATION

Audited or reviewed statements are required for all construction projects totaling over $1,000,000 or more. (A certificate of a licensed accountant will be required in all cases.)

1. **COMPLETE THIS CERTIFICATE FOR AN AUDIT OF FINANCIAL STATEMENTS**

STATE OF: _____

We have examined the Financial Statement of_____ as of _____. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

In our opinion, the accompanying financial statement included on pages _____ to _____, inclusive, sets forth fairly, in all material respects, the financial condition of _____ as of _____, in conformity with generally accepted accounting principles.

_____ _____
(Type Name of Firm) (Accountant Signature)

_____ _____
(Telephone Number) (License Number)

Special Note to Accountant: the above Certificate of Accountant shall not be made by any individual who is in the regular employ of the individual, partnership or corporation submitting the statement; or by any individual who is a member of the firm with more than ten percent financial interest.

BEVERLY HILLS UNIFIED SCHOOL DISTRICT PREQUALIFICATION QUESTIONNAIRE

ACCOUNTANT'S RELEASE LETTER

By signing the form below, I authorize the **Beverly Hills Unified School District** to contact our company's licensed accounting firm to verify our most recent audited or reviewed financial statement. I understand the financial statement is confidential information and is not open to public inspection.

_____

Signature

_____

Printed Name / Title

_____

Company Name

_____

Date

BEVERLY HILLS UNIFIED SCHOOL DISTRICT PREQUALIFICATION QUESTIONNAIRE

PREQUALIFICATION STATEMENT FOR

BEVERLY HILLS UNIFIED SCHOOL DISTRICT

Each prospective bidder must have a current and active license at the time of the award and must submit the following information on this form.

DECLARATION

I, _____(printed name) hereby declare that I am the _____(title) of _____(name of bidder) submitting this Prequalification Statement; that I am duly authorized to execute this Prequalification Statement on behalf of the above-named company; and that all information set forth in this Prequalification Statement and all attachments hereto are, to the best of my knowledge, true, accurate, and complete as of its submission date. I acknowledge that any false statements, inaccuracies or failure to disclose are grounds for disqualification. In executing this Declaration, I hereby permit the **Beverly Hills Unified School District** to contact any owner, school district, contractor, subcontractor, supplier or any other party that the **Beverly Hills Unified School District** deems relevant for purposes of verifying or gathering any information necessary to complete the evaluation of this pre-qualification submittal.

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was

Subscribed at _____ (location and city), County of _____, State of _____, on _____(date).

_____
(Signature)

(If signed by other than the sole proprietor, a general partner, or corporate officer, attach original notarized power of attorney or corporate resolution.)

All information submitted for prequalification evaluation will be considered official information acquired in confidence, and the District will maintain its confidentiality to the extent permitted by law.

APPENDIX H

BHUSD Facilities Master Plan February 27, 2018

Beverly Hills Unified School District
Facilities Master Plan
February 27, 2018



Horace Mann



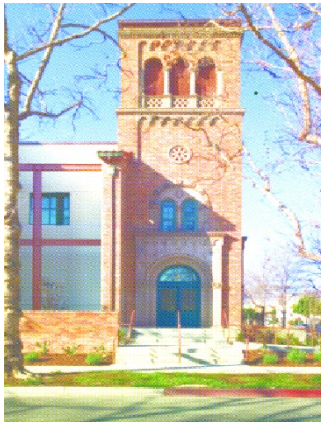
El Rodeo



Beverly Hills High School



Hawthorne



Beverly Vista

Beverly Hills Unified School District

Table of Contents

Construction Plan

- Beverly Hills High School
- El Rodeo School
- Horace Mann School
- Hawthorne School
- Beverly Vista School
- Other Projects

Master Plan Schedule

- Construction Schedule

Cost Analysis

- Beverly Hills High School
- El Rodeo School
- Horace Mann School
- Hawthorne School
- Other Projects & Costs

Funding Summary

- Projected Revenue
- Measure E and New Funding Summary

Beverly Hills High School

Funded by Measure E

- B1/B2 Modernization
  - Approved by DSA
  - Addendum 1 Floor Plan Revision
  - Construction start
    April 2018
  - Duration 30 months



Beverly Hills High School



Beverly Hills High School

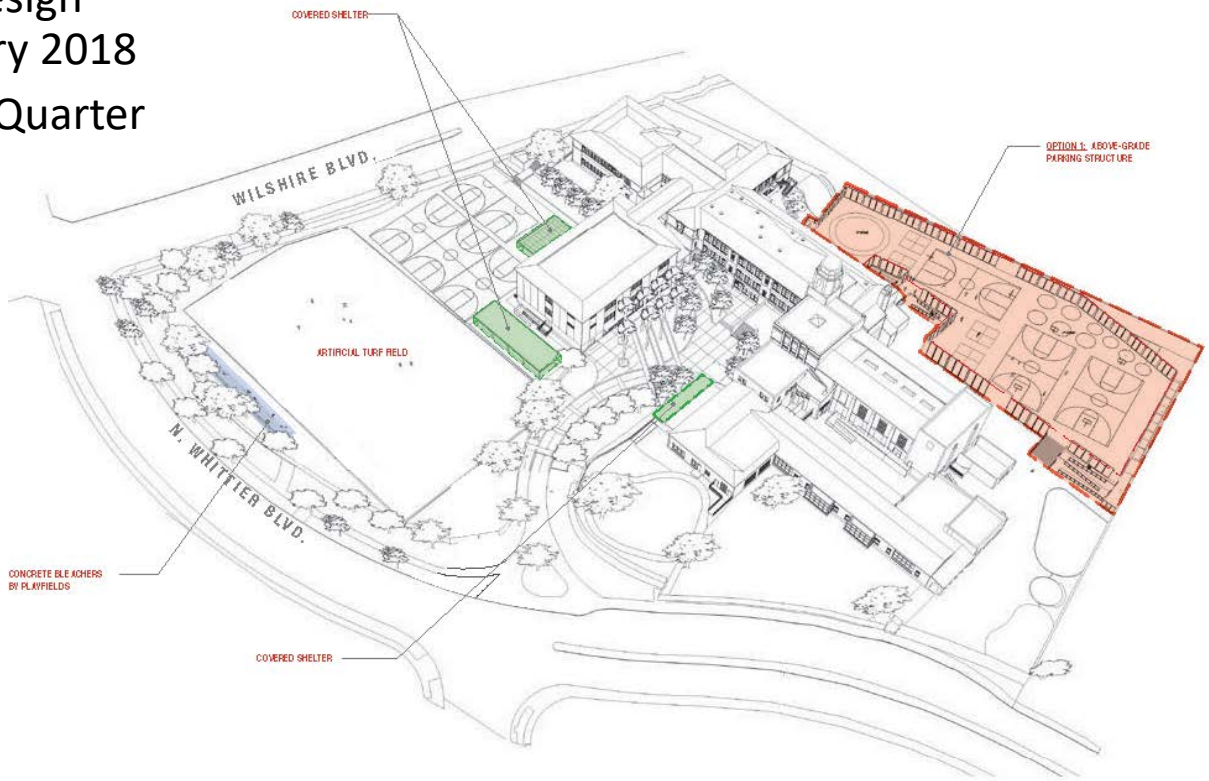
Future Funding

- Buildings B3/B4
  - Submitted to DSA November 2017
  - Project Approval 4th Quarter 2018
- Building C/Aquatic Center
  - Submitted to DSA June 2015
  - Review on hold per DSA
- Site Improvements
  - North ½ of Campus
  - Approved by DSA December 2015
- Sports Fields
  - Conceptual Design in Development
- Parking Project Design
  - Conceptual Design in Development
- Building A
  - Design Revision on Hold

El Rodeo School

Funded by Measure E

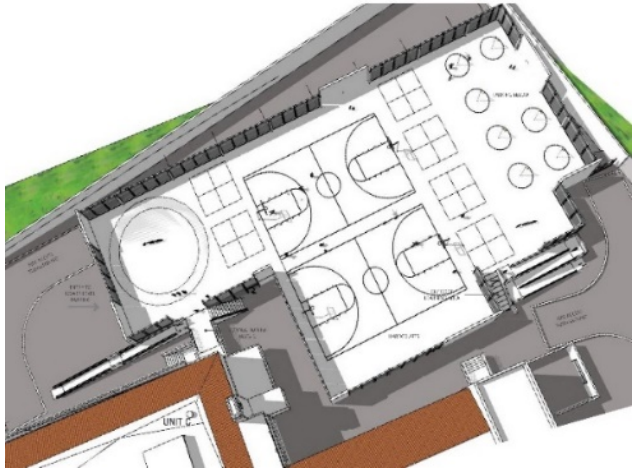
- Buildings A,B,C & D
  - Submitted to DSA March 2016
  - Voluntary Seismic Design Resubmitted February 2018
  - Project Approval 4th Quarter 2018



El Rodeo School

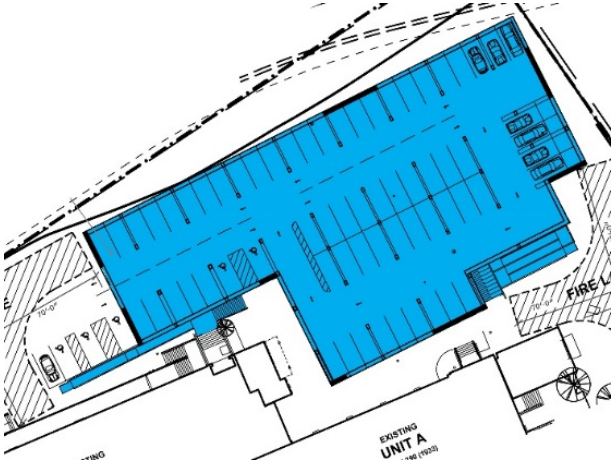
Future Funding

- Building E
  - Submitted to DSA March 2016
  - Project Approval 4th Quarter 2018



- Site Improvements
  - Submitted to DSA March 2016
  - Project Approval 4th Quarter 2018

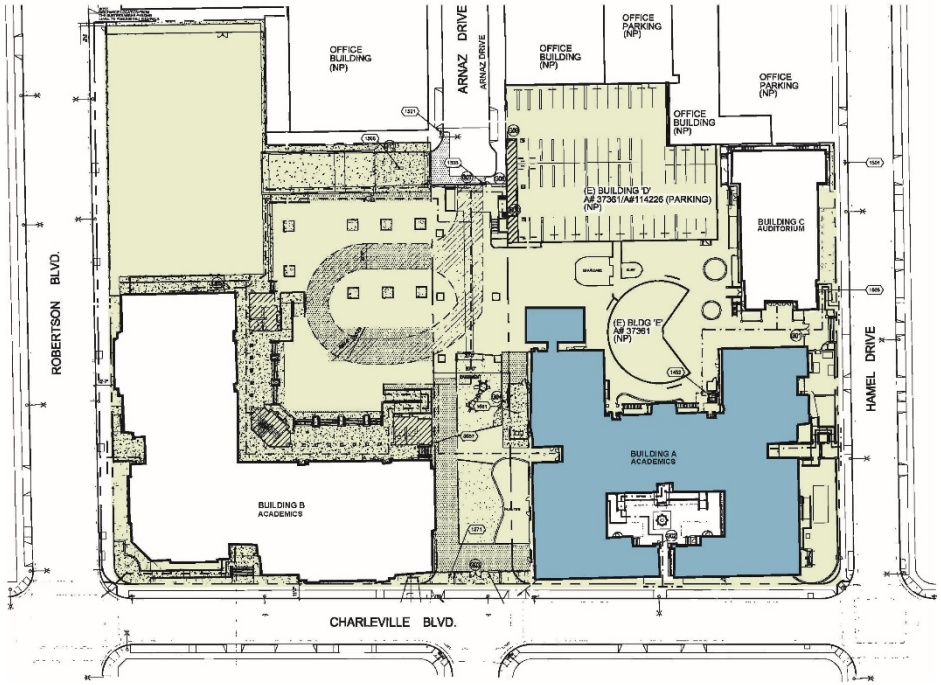
- Elevated Playfield with Parking Below
  - Design Development Complete
  - Construction Documents Pending Authorization to Proceed



Horace Mann School

Funded by Measure E

- Building B – Construction Complete
  - Occupied
- Building A – Construction Complete
  - Partially Occupied
  - Scheduled for Full Occupancy August 2018
- Site Improvements
  - Drawings Approved by DSA
  - Final Construction Scope Under Review
  - Construction Start June 2018
- Building B Sports Floor
  - Summer 2018



Horace Mann School

Future Funding

- Additional Scopes Under Review
  - Chiller Replacement
  - Building A Roof



Hawthorne School

Future Funding

- Auditorium
  - DSA Back Check Comments Received
  - Back Check Resubmission on Hold

- Campus Modernization
  - Design on Hold



Beverly Vista School

Future Funding

- Beverly Vista School
  - ADA Drop-off
    - ✓ Approved by DSA June 2017
    - ✓ Project Schedule for Summer 2018
  - Miscellaneous Site Improvements
    - ✓ Approved by DSA June 2017
    - ✓ Construction Pending Budget Analysis



Other Projects

Future Funding

- Beverly Hills High School Oil Well
  - Compliance with City Ordinance
  - Decommission 19 Wells
  - Construction Commencement March 2018
  - Duration 270 Days

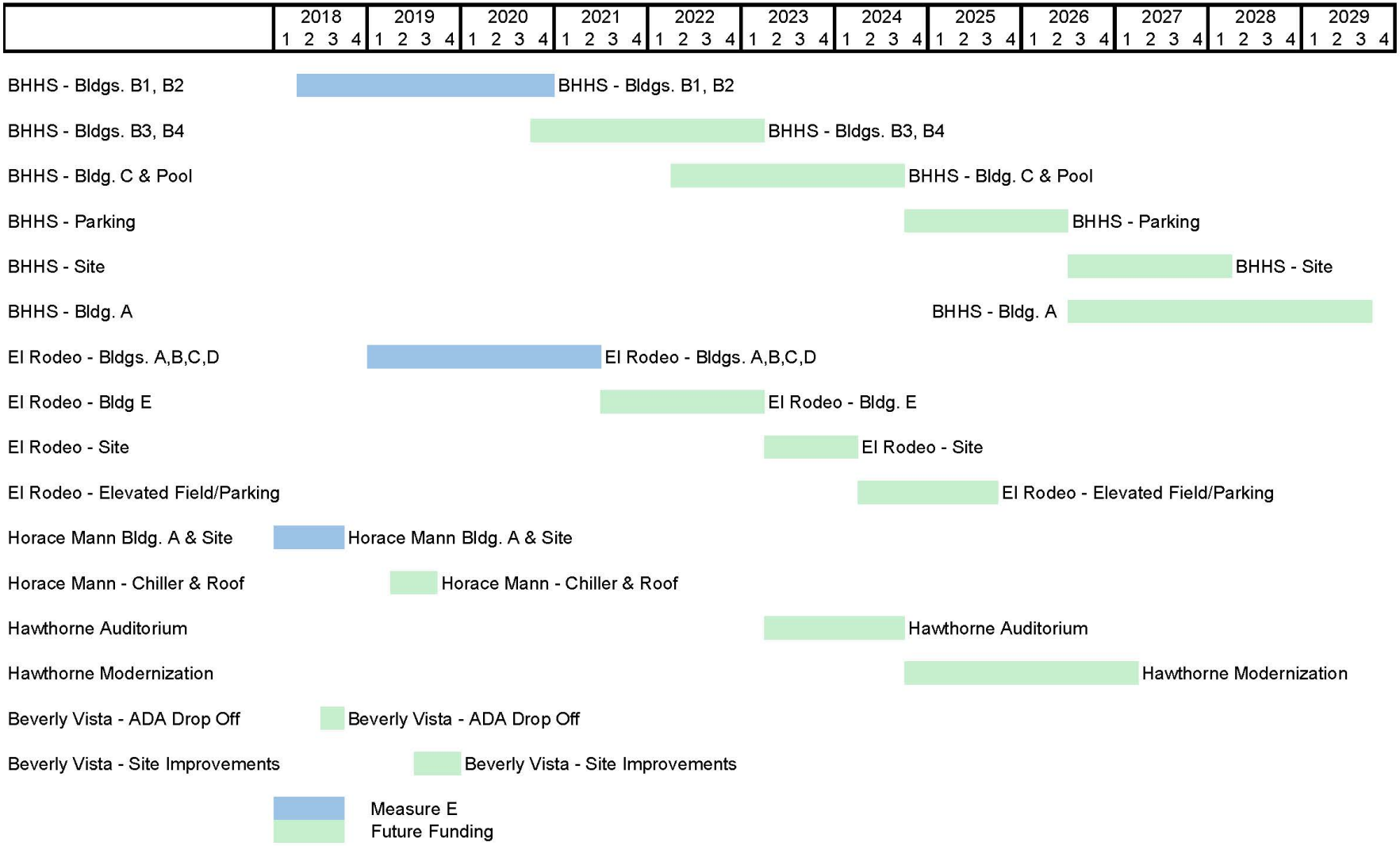
- M&O Facility Relocation
  - Site Location To Be Determined

- Beverly Hills High School Interim Housing
  - Projected Removal 2022 3rd Quarter

- El Rodeo Interim Housing
  - Projected Removal 2021 3rd Quarter

Beverly Hills
Unified School District

Facilities Master Plan Schedule



Beverly Hills High School – Cost Analysis

Measure E

BHHS - Bldgs. B1, B2	Hard Cost*	$ 50,000,000	
	Soft Costs	$ 7,500,000	
	FF&E / I.T.	$ 4,350,000	
			$ 61,850,000



** Hard Costs include inflation thru midpoint of proposed date of construction*

Beverly Hills High School – Cost Analysis

Future Funding

BHHS -Bldgs. B3, B4	Hard Cost*	$ 46,000,000	
	Soft Costs	$ 9,200,000	
	FF&E / I.T.	$ 4,002,000	
			$ 59,202,000
BHHS - Interim Housing Lease	Hard Cost*	$ 749,394	
	Soft Costs	$ 44,964	
	FF&E / I.T.	$ 22,482	
			$ 816,839
BHHS- Bldg. C & Pool	Hard Cost*	$ 60,480,000	
	Soft Costs	$ 9,100,000	
	FF&E / I.T.	$ 5,261,760	
			$ 74,841,760
BHHS - Site	Hard Cost*	$ 52,000,000	
	Soft Costs	$ 6,240,000	
	FF&E / I.T.	$ 5,000,000	
			$ 63,240,000
BHHS - Parking	Hard Cost*	$ 77,760,000	
	Soft Costs	$ 7,776,000	
	FF&E / I.T.		
			$ 85,536,000
BHHS - Bldg A	Hard Cost*	$ 98,200,000	
	Soft Costs	$ 14,730,000	
	FF&E / I.T.	$ 8,543,400	
			$ 121,473,400
M & O Facility Relocation	Hard Cost*	$ 3,500,000	
	Soft Costs	$ 525,000	
	FF&E / I.T.	$ 262,500	
			$ 4,287,500

** Hard Costs include inflation thru midpoint of proposed date of construction*

El Rodeo School – Cost Analysis

Measure E

El Rodeo - Bldgs. A,B,C,D	Hard Cost*	$ 65,000,000	
	Soft Costs	$ 10,000,000	
	FF&E / I.T.	$ 5,655,000	
			$ 80,655,000



Future Funding

El Rodeo- Bldg E	Hard Cost*	$ 15,552,000	
	Soft Costs	$ 2,333,000	
	FF&E / I.T.	$ 1,353,024	
			$ 19,238,024
El Rodeo- Site	Hard Cost*	$ 10,368,000	
	Soft Costs	$ 1,555,000	
	FF&E / I.T.	$ 25,000	
			$ 11,948,000
El Rodeo - Elevated Field & Parking	Hard Cost*	$ 12,100,000	
	Soft Costs	$ 1,800,000	
	FF&E / I.T.	N/A	
			$ 13,900,000
El Rodeo - Interim Housing Lease	Hard Cost*	$ 667,872	
	Soft Costs	$ 33,394	
	FF&E / I.T.	$ 16,697	
			$ 717,962

** Hard Costs include inflation thru midpoint of proposed date of construction*

Horace Mann School – Cost Analysis

Measure E

Building A	I.T. / A.V.	$ 1,500,000	
	Close Out	$ 200,000	
			$ 1,700,000
Phase 4 - Site Improvements	Hard Cost*	$ 4,600,000	
	Soft Costs	$ 690,000	
	FF&E / I.T.	$ 25,000	
			$ 5,315,000

Future Funding

Building A - Roofing	Hard Cost*	$ 1,000,000	
	Soft Costs	$ 150,000	
	FF&E / I.T.	N/A	
			$ 1,150,000
Chiller Replacement	Hard Cost*	$ 450,000	
	Soft Costs	$ 67,500	
	FF&E / I.T.	$ 6,500	
			$ 524,000



** Hard Costs include inflation thru midpoint of proposed date of construction*

Hawthorne School – Cost Analysis

Future Funding

Hawthorne Auditorium	Hard Cost*	$	10,000,000	
	Soft Costs	$	1,500,000	
	FF&E / I.T.	$	870,000	
				$ 12,370,000
Hawthorne Modernization	Hard Cost*	$	95,000,000	
	Soft Costs	$	14,250,000	
	FF&E / I.T.	$	8,265,000	
				$ 117,515,000



** Hard Costs include inflation thru midpoint of proposed date of construction*

Beverly Vista – Cost Analysis

Future Funding

Beverly Vista - ADA Drop Off	Hard Cost*	$	85,000	
	Soft Costs	$	12,750	
	FF&E / I.T.		N/A	
				$ 97,750
Beverly Vista Site Improvements	Hard Cost*	$	1,500,000	
	Soft Costs	$	225,000	
	FF&E / I.T.		N/A	
				$ 1,725,000



** Hard Costs include inflation thru midpoint of proposed date of construction*

Other Costs

Measure E

District Project Support Costs	$ 1,717,964
Classroom Technology	$ 1,500,000

Future Funding

District Project Support Costs			$ 10,000,000
Classroom Technology			$ 13,590,000
Oil Well Remediation and Site Repurposing	Hard Cost*	$ 16,000,000	
	Soft Costs	$ 2,400,000	
	FF&E / I.T.	N/A	
			$ 18,400,000

** Hard Costs include inflation thru midpoint of proposed date of construction*

Master Plan Revenue

		Current	Projected
Balance of Measure E as of 1/31/18		$ 145,066,401	
SSMP Funding		$ 6,547,668	$ 18,825,000
Interest		$ 6,172,863	TBD
Developer Fees		$ -	$ 6,800,000
	Subtotal	$ 157,786,932	$ 25,625,000

Future Project Summary

Beverly Hills High School		
	Buildings B3 and B4 Modernization	$ 59,202,000
	Interim Housing	$ 816,839
	Building C and Aquatic Center	$ 74,841,760
	Site Improvements	$ 63,240,000
	Parking Project	$ 85,536,000
	Maintenance and Operations Building	$ 4,287,500
	Building A Modernization	N/A
El Rodeo School		
	Buildings A,B,C and D	
	Building E Modernization	$ 19,238,024
	Site Improvements	$ 11,948,000
	Elevated Play Courts and Parking	$ 13,900,000
	Interim Housing	$ 717,962
Horace Mann School		
	Building A Roofing	$ 1,150,000
	Central Chiller Replacement	$ 524,000
Hawthorne School		
	Hawthorne Auditorium Modernization	$ 12,370,000
	Hawthorne Modernization	N/A
Beverly Vista School		
	ADA Drop Off	$ 97,750
	Site Improvements	$ 1,725,000
District Project Support Costs		$ 10,000,000
Classroom Technology		$ 13,590,000
BHHS Oil Well Remediation / Site Repurposing		$ 18,400,000
	Future Project Total	$ 391,584,835

Future Funding Summary

Future Funding Projects	$ 391,584,835
Contingency 5%	$ 19,579,242
Subtotal	$ 411,164,077
Less Projected Revenue	$ 25,625,000
Future Funding Total	$ 385,539,077

APPENDIX I

Ballot Language
- Measure E
- Measure BH

MEASURE E

APPENDIX A

BALLOT MEASURE
FULL TEXT

"Beverly Hills Unified School District Safety, Security and Repair Measure: 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?"

Bonds—Yes Bonds—No

BOND AUTHORIZATION

By approval of this measure by at least 55 percent of the registered voters voting on the measure, the District will be authorized to issue and sell bonds of up to $334 million in aggregated principal at interest rates below the legal limit and to provide financing for the specific school facilities projects listed in the Bond Project List described below, subject to all the accountability requirements specified below.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article XIIIA, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

Independent Citizens' Oversight Committee. The School Board shall establish an Independent Citizens' Oversight Committee under Education Code Section 15278 and following to ensure bond proceeds are expended only on the school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the School Board.

Performance Audits. The School Board shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

Financial Audits. The School Board shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

FURTHER SPECIFICATIONS

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

BOND PROJECT LIST

The Bond Project List shown below is a part of the ballot measure and must be reproduced in any official document required to contain the full statement of the bond measure.

Evaluation of Needs. The Board of Education of the Beverly Hills Unified School District evaluated the District's urgent and critical school needs, including seismic safety requirements, school and student safety issues, computer technology, and aging, outdated or deteriorating school buildings in developing the scope of projects to be funded, as outlined in the Beverly Hills Unified School District Project List (School Safety and Improvement) (website: www.bhusd.org)

The District, together with professional experts, has conducted a thorough evaluation at all school sites and has used this information developing the conceptual scope of school projects to be funded. The District has concluded that if these needs are not addressed now, the problem will only get worse and more expensive to address in the future.

In approving this Priority School Projects List, the Board of Education has determined that:

(i) all of its schools must be healthy and safe from earthquake risks, hazardous materials such as asbestos, mold and fire dangers;

(ii) in repairing aging schools, priority shall be given to basic repairs, such as leaky roofs, plumbing, electrical and utility systems;

(iii) all of its schools should be safe learning environments;

(iv) the District must install and upgrade fire detection systems, security and emergency response systems at every school so that all students are safe, as well as make repairs in compliance with energy saving and sustainability standards;

(v) that, when advisable, bond projects should be managed by a professional program/construction management firm with a proven track record of delivering school construction projects on-time and on-budget;

(vi) The District must aggressively apply for State matching funds and spend any local bond money exclusively on schools and facilities within the District and shall not allow bond monies to be transferred to the State.

Projects Subject to Available Funding. The following list of projects is subject to the availability of adequate funding to the District. Approval of the bond measure does not guarantee that the proposed projects in the District that are the subject of bonds under the measure will be funded beyond the local revenues generated by the bond measure. The District's proposal for the projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

Scope of Projects. Bond proceeds will be expended to modernize, replace, renovate, construct, equip, furnish, rebuild and otherwise improve District facilities as described below. The specific school facilities projects which are described below include all related and incidental costs, including costs of design, engineering, architect and other professional services, site preparation, utilities, landscaping and other incidental costs, and construction management. Bond proceeds may also be expended to acquire real property for future educational facilities and to acquire and install furniture, fixtures and equipment at any classrooms and other facilities of the District. The District may alter the scope and nature of any of the specific projects, which are described below as required by conditions that arise during the course of design and construction, including unforeseen conditions such as dry rot, mold and faulty engineering.

PROJECT LIST

Every school campus listed below within the Beverly Hills Unified Schools District will receive Measure ___ bond funds. Bond funds will benefit:

Beverly Hills High School ,
Beverly Vista School,
District Annex building
El Rodeo School,
Hawthorne School,
Horace Mann School,
Moreno High School

School Health and Safety, Earthquake Safety and Energy Efficiency School Projects

Goal and Purpose: To reduce the risk of injury in the event of emergency evacuation, some local schools will benefit from additional earthquake retrofitting. These measures are necessary to ensure Beverly Hills Unified Schools afford additional safety to its students, staff and community members in the case of natural or man made

disasters. Additionally schools and school sites will benefit from the following health and safety projects:

- Make necessary Seismic safety and earthquake repairs to schools and classrooms vulnerable to serious damage in a major earthquake, as required by State law.
- Renovate, remove and reconstruct school buildings as necessary to control outside access to school grounds by "unauthorized non school related individuals."
- Strengthen and repair schools and classrooms vulnerable to serious damage in a major earthquake, as required by State law.
- Remove or abate asbestos, lead paint, mold and hazardous materials.
- Fire alarm systems upgraded to automatic systems, repair fire safety equipment, add sprinklers and fire safety doors.
- Upgrade to schools to meet handicap accessibility requirements.
- Inspect for/repair gas pipe leaks.
- Replace/upgrade existing signage, bells and clocks.
- Install/replace/upgrade security fencing.
- Replace/upgrade existing security and irrigation systems.
- Install energy efficient systems.
- Replace existing window systems with energy efficient systems.
- Install new security systems, such as security (surveillance) cameras, outdoor lighting, fencing, gates and classroom door locks.
- Upgrade emergency communication systems.
- Upgrade site playground equipment replacement to meet current safety standards.
- Relocate or improve student drop-off areas and parking as necessary to improve safety.
- Inspect and improve play area fields for safety and drainage.
- Replace existing doors, door frames and ceilings.
- Add emergency exits for faster evacuation in an emergency.
- Upgrade school site parking, utilities and grounds.

- Repair termite damage to structures and doors/doorframes.

School Renovation, Repair, Upgrade and Construction Projects

Goal and Purpose: Schools will benefit from the renovation, repair and upgrade of deteriorating, outdated school buildings, science labs, classrooms, computer and science labs and school libraries and equipment, allowing all children to have the resources they need to learn and excel:

- Repair, upgrade and replace worn-out leaking roofs.
- Replace existing wiring systems to meet current electrical and accessibility codes and increased capacity.
- Additional electrical service capacity to relieve currently overloaded electrical systems.
- Replace existing water, sewer and plumbing systems to meet current codes, including the elimination of lead-containing fixtures.
- Upgrade aging and deteriorating school restrooms.
- Replace older ceilings, heating, ventilation, air conditioning and lighting systems with building code compliant, energy efficient systems.
- Install code-compliant ventilating systems in restrooms.
- Provide improved, upgraded computer labs.
- Upgrade and equip classrooms, science labs, multipurpose rooms, physical education facilities, kitchens, auditoriums, libraries, arts and music rooms, childcare, preschool, adult education and educational support spaces.
- Classroom interiors will receive new paint, carpet/vinyl tile/asbestos abatement, white markerboards, tackable surfaces, storage for instructional materials and equipment.
- Federal and State-mandated Americans with Disabilities Act (ADA) accessibility upgrades including site access, parking, staff and student restrooms, relocation of some existing electrical devices, drinking fountains, playground equipment and similar facilities.
- Reconfigure interior and exterior of Annex Building to more appropriately house alternative education programs (off the main high school campus).
- Repair aging schools.

District-Wide Wiring and Instructional Technology For Effective Learning Environment Projects.

Goal and Purpose: To improve both current instruction methods and to expand educational and job-training programs by applying modern technology infrastructure:

- Provide and maintain upgraded technology, data and communication equipment.
- Upgrade and expand wireless systems, telecommunications, Internet and network connections.
- Upgrade and replace computers, hardware and software systems.
- Upgrade and replace classroom furniture, equipment and instructional aids.
- Upgrade media and audio/visual equipment.

Measure BH Bond Election: June 5, 2018

The BHUSD Board of Education voted unanimously at its meeting on February 27, 2018 to place Measure BH on the June 5, 2018 Statewide Direct Primary Election ballot:

EXHIBIT A

"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?"

Bonds – Yes
Bonds – No

EXHIBIT B

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:**
    - **(a) Prohibit the State from taking any of the funds raised.**
    - **(b) All expenditures will be subject to ANNUAL INDEPENDENT FINANCIAL AUDITS.**
    - **(c) No funds will be used for administrators' salaries and/or pensions.**
    - **(d) All funds will stay in the District and be subject to local control.**
    - **(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.

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. 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.

Measure BH is one of 21 local jurisdiction measures that will appear on the Statewide Direct Primary Election ballot on June 5, 2018:

Click here for link to June 5, 2018 ballot measures

Click here for polling place, sample ballot and voter information

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February 27, 2018 BHUSD Board of Education Resolution for bond election:

RESOLUTION NO. 2017-2018-022
RESOLUTION OF THE BOARD OF EDUCATION OF BEVERLY HILLS UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION, AND ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER

WHEREAS, the Board of Education (the "Board") of the Beverly Hills Unified School District (the "District") is committed to improve the quality of education in Beverly Hills public schools by providing highly effective, high performing and safe learning environments, and by upgrading aging schools, classrooms, science labs and computer systems to keep pace with learning technology; and

WHEREAS, the Board acknowledges that for our students to be prepared for college and career choices they must be skilled in the use of 21st Century technologies; and

WHEREAS, many of the District's old classrooms have inadequate electrical capacity and out-of-date science lab equipment which cannot adequately integrate modern classroom learning technology; and

WHEREAS, the Board desires that all of the District's campuses and classrooms be safe, secure, and free of unhealthy asbestos, and upgraded to current earthquake safety codes; and

WHEREAS, the State of California (the "State") is unable to provide the District with enough money for the District to adequately update its educational facilities; and

WHEREAS, the Board believes it is in the best interest of the District to address facility improvements now before they become more pressing and more costly; and

WHEREAS, to improve and standardize our learning environments, the District must secure securing local funding that the State cannot take away; and

WHEREAS, the Board has received information regarding the feasibility of a local bond measure and the District's bonding capacity; and

WHEREAS, a local measure will help provide funds that cannot be taken away by the State to upgrade aging schools, protect student health and safety, and improve the quality of education; and

WHEREAS, such measure will include mandatory taxpayer protections, including an independent citizens' oversight committee and mandatory audits to ensure funds are spent as promised; and

WHEREAS, the Board and District has solicited stakeholder and community input on school priorities from parents, teachers, staff and the community; and

WHEREAS, on November 7, 2000, the voters of California approved the Smaller Classes, Safer Schools and Financial Accountability Act ("Proposition 39") which reduced the voter threshold for *ad valorem* tax levies used to pay for debt service on bonded indebtedness to 55% of the votes cast on a school district general obligation bond; and

WHEREAS, concurrent with the passage of Proposition 39, Chapter 1.5, Part 10, Division 1, Title 1 (commencing with Section 15264) of the Education Code (the "Act") became operative and established requirements associated with the implementation of Proposition 39; and

WHEREAS, the Board desires to make certain findings herein to be applicable to this election order and to establish certain performance audits, standards of financial accountability and citizen oversight that are contained in Proposition 39 and the Act; and

WHEREAS, the Board hereby determines that, in accordance with Opinion No. 04-110 of the Attorney General of the State of California, the restrictions in Proposition 39 which prohibit any bond money from being wasted or used for inappropriate administrative salaries or other operating expenses of the District shall be monitored strictly by the District's Citizens' Oversight Committee; and

WHEREAS, pursuant to Education Code Section 15270, based upon a projection of assessed property valuation, the Board has determined that, if approved by voters, the tax rate levied to meet the debt service requirements of the bonds proposed to be issued will not exceed the Proposition 39 limits per year per $100,000 of assessed valuation of taxable property; and

WHEREAS, Section 9400 *et seq.* of the Elections Code of the State of California (the "Elections Code") requires that a tax rate statement be contained in all official materials relating to the election, including any ballot pamphlet prepared, sponsored, or distributed by the District; and

WHEREAS, the Board desires to authorize the filing of a tax rate statement and ballot argument in favor of the proposition to be submitted to the voters at the election; and

WHEREAS, pursuant to the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, June 5, 2018, and to request the Los Angeles County Registrar of Voters to call an election on the District's behalf and perform certain election services for the District in connection therewith;

NOW THEREFORE, THE BOARD OF EDUCATION OF THE BEVERLY HILLS UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. That the Board, pursuant to Education Code Sections 15100 *et seq*., 15264 *et seq*., and Government Code Section 53506, hereby requests the Los Angeles County Registrar of Voters to

conduct an election under the provisions of Proposition 39 and the Act and submit to the electors of the District the question of whether bonds of the District in the aggregate principal amount of $385,000,000 (the "Bonds") shall be issued and sold for the purpose of raising money for the projects described in Exhibits "A" and "B" hereto. Both exhibits are directed to be printed in the voter pamphlet. The District's Superintendent, or designee, is hereby authorized and directed to make any changes to the text of the measure, or to the abbreviated form of the measure, as may be convenient or necessary to comply with the intent of this Resolution, the requirements of elections officials, and requirements of law.

Section 2. That the date of the election shall be June 5, 2018.

Section 3. That the purpose of the election shall be for the voters in the District to vote on a proposition, a copy of which is attached hereto and marked Exhibit "A," incorporated by reference herein, and containing the question of whether the District shall issue the Bonds to pay for improvements to the extent permitted by such proposition. In compliance with Proposition 39 and the Act, the ballot propositions in Exhibits "A" and "B" are subject to the following requirements and determinations:
(a) the proceeds of the sale of the Bonds shall be used only for the purposes set forth in the ballot measure and not for any other purpose, including teacher or administrator salaries or other school operating expenses;
(b) that the Board, in establishing the projects set forth in Exhibit "B," evaluated the safety, class size reduction, computer and information technology needs of the District as well as the importance of the projects to student achievement and high quality instruction;
(c) that the Board shall cause an annual, independent performance audit to be conducted to ensure that the Bond monies get spent only for the projects identified in Exhibit "B" hereto;
(d) that the Board shall cause an annual, independent financial audit of the proceeds from the sale of Bonds to be conducted until all of the Bond proceeds have been expended;
(e) that the Board shall appoint a Citizens' Oversight Committee in compliance with Education Code Section 15278 no later than 60 days after the Board enters the election results in its minutes pursuant to Education Code Section 15274; and
(f) that the tax levy authorized to secure the Bonds of this election shall not exceed the Proposition 39 limits per $100,000 of taxable property in the District when assessed valuation is projected by the District to increase in accordance with Article XIIIA of the California Constitution.

Section 4. That the authority for ordering the election is contained in Education Code Sections 15100 *et seq*., 15264 *et seq*., and Government Code Section 53506.

Section 5. That the authority for the specifications of this election order is contained in Sections 5322 of the Education Code.

Section 6. That the Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on June 5, 2018 within the District. Pursuant to Elections Code Section 10403 the Board acknowledges that the consolidation election will be held and conducted in the manner described in Elections Code Section 10418.

Section 7. That the Secretary of the Board is hereby directed to deliver a certified copy of this Resolution to the Los Angeles County Registrar of Voters no later than March 9, 2018.

Section 8. That any Bonds issued pursuant to Section 15264 *et seq*. of the Education Code or Section 53506 of the Government Code. The maximum rate of interest on any Bond shall not exceed the maximum rate allowed by Education Code Sections 15140 to 15143, as modified by Government Code Section 53531.

Section 9. That the Board requests the governing body of any such other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such election and to further provide that the canvass of the returns of the election be made by any body or official authorized by law to canvass such returns, and that the Board consents to such consolidation. The Board further authorizes the submission of a tax rate statement and primary and rebuttal arguments, as appropriate, to be filed with the Los Angeles County Registrar of Voters by the established deadlines.

Section 10. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is requested to permit the Registrar of Voters to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County, such services to include the publication of a Formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code) pursuant to the terms of Section 5363 of the Education Code and Section 12112 of the Elections Code.

ADOPTED, SIGNED AND APPROVED this 27th day of February, 2018.