

Facilities

ARCHITECTURAL AND ENGINEERING SERVICES

~~In order to ensure safe construction and protect the investment of public funds, the Board of Education requires that~~ The Board of Education desires to provide school facilities that support the educational program and meet all applicable safety and design standards. When required by law, the Board shall employ or contract with a licensed and certified architect and or structural engineer be employed to design and supervise the construction of District schools and other facilities.

(cf. 7110 – Facilities Master Plan)

The architect and/or structural engineer shall be responsible for preparing all construction plans, specifications, and estimates and for the observation of the work of construction. (Education Code 17302)

To ensure compliance with state design and safety standards, preliminary and final plans for any state-funded school facility project, including Board-approved educational specifications for school design when necessary, shall be submitted to the California Department of Education and the Department of General Services, Division of the State Architect. (Education Code 17267; 5 CCR 14030-14032)

The Superintendent or designee shall devise a competitive process for the selection of architects, ~~and~~ structural engineers, and other design professionals that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, ~~he/she~~ the Superintendent or designee shall recommend specific architectural and engineering firms to the Board for approval. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

(cf. 3311 – Bids)

(cf. 3311.3 – Design-Build Contracts)

Legal References:

EDUCATION CODE

17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:

17070.50 Conditions for apportionment

17250.10-17250.55 Design-build contracts

17251 School construction; duties of the California Department of Education

17262-17268 School construction plans

17280-17316 Approvals, especially:

17302 Persons qualified to prepare plans, specifications and estimates and supervise construction

17316 Contract provision regarding school district property

17371 Limitation on liability of governing board

BUSINESS AND PROFESSIONS CODE

5500-5502 Architecture

5550-5558 Architects, licensure

6700-6706.3 Engineers

6750-6766 Engineers, licensure

GOVERNMENT CODE

4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms

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ARCHITECTURAL AND ENGINEERING SERVICES (continued)

14837 Definition of small business

87100 Public Officials; financial interest

PUBLIC CONTRACT CODE

20111 School district contracts

CODE OF REGULATIONS, TITLE 5

14001 Minimum standards for school facilities

14030-14036 Standards, planning, and approval of school facilities

CODE OF REGULATIONS, TITLE 24

101 et seq. California Building Standards Code

CALIFORNIA CONSTITUTION

Article 22 Architectural and engineering services

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

Plan Submission Requirements for Modernization Projects, Form SFPD 4.08

Plan Submission Requirements for New Construction, Form SFPD 4.07

OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS

School Facility Program Handbook, January 2019

WEBSITES

American Institute of Architects California Council: <https://aiacalifornia.org>

California Department of Education, Facilities: <http://www.cde.ca.gov/lr/fa>

Department of General Services, Division of the State Architect: <https://www.dgs.ca.gov/DSA>

Department of General Services, Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>

Policy Adopted: November 5, 2020

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ARCHITECTURAL AND ENGINEERING SERVICES

~~The Board of Education shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)~~

~~(cf. 3312 – Contracts)~~

Contractors for any architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure the selection process receiving state funding by: (Government Code 4526)

1. ~~Ensuring that projects entail~~ **Assures** maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibiting practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibiting District employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

~~(cf. 9270 – Conflict of Interest)~~

The selection process may also include (Government Code 4527)

1. **Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project**
2. **Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services**
3. **Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria**

The district shall negotiate a contract with the best qualified firm at compensation determined by the district to be fair and reasonable. If the district is unable to negotiate a contract with the most qualified firm, the district shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the district is unable to negotiate a satisfactory contract with any of the selected firms, the district shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

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ARCHITECTURAL AND ENGINEERING SERVICES (continued)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

(cf. 3311 – Bids)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications and estimates prepared by the ~~contractor~~ architect or structural engineer shall become the property of the district. The contract shall also specify terms and conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

A contract may be awarded to a single entity for both design and construction of any school facility in excess of \$1,000,000 in accordance with AR 3311.3 – Design-Build Contracts. (Education Code 17250.20)

(cf. 3311.3 – Design-Build Contracts)

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