EXPRESS TERMS
OF PROPOSED EMERGENCY BUILDING STANDARDS
OF THE
DIVISION OF THE STATE ARCHITECT - STRUCTURAL SAFETY (DSA-SS)

REGARDING THE 2010 CALIFORNIA ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1

CHAPTER 4 – GROUP 1
SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

LEGEND FOR EXPRESS TERMS
1. Proposed new text: All such language appears underlined.
2. Repealed text: All such language appears in strikeout.

ARTICLE 2 DEFINITIONS

4-314. Definitions.

APPROVED PLANS AND SPECIFICATIONS as used in these regulations shall mean plans, specifications, addenda, ~~change orders~~ construction changes and other documents which have been duly approved by DSA pursuant to Sections 17295 and 81133 of the Education Code. The plans and specifications shall be identified by a stamp bearing the name "Division of the State Architect," the application number, initials of the plan reviewers and date of stamping. The written approval as required by Section 17297, Education Code, shall not be issued until a copy of plans and specifications bearing DSA's identification stamp is on file at the Division of the State Architect.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17280, 17283, 17405, 81130, 81131 and 81529.

ARTICLE 3 APPROVAL OF DRAWINGS AND SPECIFICATIONS

4-317. Plans, specifications, calculations and other data.

(c) Specifications. Specifications shall completely set forth the requirements for the various types of materials that will enter into permanent construction and shall describe the methods not covered in the technical regulations which are to be used to obtain the required quality of the work shown on the plans as described in the specifications.

Due to the difficulty of anticipating every unsatisfactory condition that might be found in existing construction where addition, alteration, rehabilitation or reconstruction work is proposed, the following clause or one of similar meaning shall be included in the specifications:

Should any existing conditions such as deterioration or non-complying construction be discovered which is not covered by the DSA approved documents wherein the finished work will not comply with Title 24, California Code of Regulations, a ~~change order~~ construction change document, or a separate set of plans and specifications, detailing and specifying the required repair work shall be submitted to and approved by DSA before proceeding with the repair work."

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17299, 17212, 17212.5, 81135, 81033, and 81033.5.

4-318. Procedure for approval of application and voidance of application.

(c) Voidance of application. Any change, erasure, alteration or modification of any plans or specification bearing the stamp of DSA may result in voidance of the approval of the application. However, the "written approval of plans" may be extended by DSA to include revised plans and specifications after documents are submitted for review and approved. (See Section 4-323 for revised plans and Section 4-338 for addenda and ~~change orders~~ construction changes.)

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NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17295, 17297, 17307, 81133, 81134, and 81140.

ARTICLE 4 FEES

4-323. Revisions of plans and specifications. Revisions are changes to the DSA approved plans or specifications made after DSA approval but prior to bid. Revisions shall be submitted to and approved by DSA.

No additional fee is charged upon submission of revisions to the approved plans and specifications, provided that the entire matter is actually one transaction having to do with the same school building and the revisions do not require substantial checking for safety of design. If the original plans are abandoned and the plans and specifications submitted in lieu thereof are in fact for a new project rather than for an identical building, or where a modified set of plans is for an essentially different structural concept, it is necessary that a new application be filed and fee paid. This is regardless of the fact that the school building may have the same name, be of the same general size, and be situated at the same location as the school building for which the original application was made.

An hourly fee may be charged to the school district for the review of substantial revisions to approved plans and specifications.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17300 and 81136.

ARTICLE 5 CERTIFICATION OF CONSTRUCTION

4-331. Notices to DSA at start of construction. The architect or registered engineer responsible for the project or the school district shall submit the following documents to DSA within five days of awarding a contract for construction:

(a) Form DSA-102: Contact Information Form, and

(b) Form DSA-5: Project Inspector Qualification Record [see Section 4-341 (d)].

DSA forms are available at any DSA regional office, or on the Internet at http://www.dgs.ca.gov/dsa.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17280, 17295, 81130, and 81133.

4-333. Observation and inspection of construction.

(b) Inspection by project inspector. The school board must provide for and require competent, adequate and continuous inspection by an inspector satisfactory to the architect or registered engineer in general responsible charge of observation of the work of construction, to any architect or registered engineer delegated responsibility for a portion of the work, and to DSA.

1. The cost of project inspection shall be paid for by the school board. An inspector shall not have any current employment relationship with any: ~~entity which is a contracting party for the construction.~~

   A. Contracting party for any activity associated with the construction, except for the activity of inspection.

   B. Party required by this code to file a verified report for the construction.

   C. Construction firm, construction management firm, project management firm or testing facility that is under contract with the same district for which the project inspector is providing inspection services.

(d) Special inspection.

14. The costs of all special inspection required by this subsection shall be paid for by the school board, but if so specified in the contract documents the amount paid may be collected from the contractor by the school board. A special inspector shall not have any current employment relationship with any entity that is a contracting party for the construction.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17280, 17309, 17311, 81130, 81139, 31141 and 81143.

4-335. Tests.

(h) Verification of test reports. Each testing facility shall submit to DSA, and provide a copy to the project inspector, at the completion of the testing program or when required by DSA a verified report covering all of the tests and inspections that were required to be made by that facility. Such report shall be furnished any time that work on the project is suspended, or services of the testing lab are terminated, covering the tests up to that time.

The verified report shall be signed, under penalty of perjury, by the California registered civil engineer charged with engineering managerial responsibility for the testing facility. The verified report shall indicate that all tests and inspections were made as required by the approved plans and specifications, and shall list any noncompliant tests or inspections that have not been resolved by the date of the verified report. In the event that not all required tests or inspections were made by the laboratory making this verified report, those tests or inspections not made shall be listed on the verified report.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17309 and 81141.

4-336. Verified reports.

(a) General. ~~Sections 17309 and 81141 of the Act require that from time to time as~~ As the work of construction progresses, the architect, structural engineer or professional engineer in charge of observation of construction of the work, each architect or registered engineer delegated responsibility for a portion of the work, the project inspector, special inspectors, the geotechnical engineer, the testing facility and any others required by this code ~~and the contractor~~ shall each make and sign under penalty of perjury, a duly verified report to DSA and provide a copy of the same report to the project inspector. The verified report shall be made upon a prescribed form or forms, showing that of his or her own personal knowledge the work during the period covered by the report has been performed and materials have been used and installed ~~in every material respect~~ in essential conformance ~~compliance~~ with the duly approved plans and specifications, and setting forth such detailed statements of fact as shall be required.

The term "personal knowledge" as applied to architect or registered engineer means the personal knowledge that is obtained from periodic visits of reasonable frequency to the project site for the purpose of general observation of the work, and that is obtained from the reporting of others on the progress of the work, testing of materials, inspection and superintendence of the work. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to the project inspector means the actual personal knowledge that is obtained from the inspector's personal continuous inspection of the work in all stages of its progress. For work performed away from the site, the project inspector may obtain personal knowledge from the reporting of testing or special inspection of materials and workmanship for essential conformance ~~compliance~~ with approved plans, specifications and applicable standards. The exercise of reasonable diligence to obtain the facts is required.

The term "personal knowledge" as applied to a special inspector means the actual personal knowledge which is obtained from the inspector's personal inspection of the work assigned. The verified report shall clearly describe the work assigned to each individual special inspector. The exercise of reasonable diligence to obtain the facts is required.

~~The term "personal knowledge" as applied to the contractor means the personal knowledge gained from constructing the building. The exercise of reasonable diligence to obtain the facts is required.~~

(b) Report form. Verified reports shall be made on specific forms prescribed by DSA ~~Form DSA-6 by project inspectors and contractors, Form DSA-292 for special inspectors and Form DSA-6A/E by architects and engineers. Form DSA-6A/E may be filed either separately or jointly by architects and engineers.~~ The simplified verified report may be used as set forth in Section 4-336(d). DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices.

(c) Required filing. Verified reports shall be made as follows:

~~1. By each contractor having a contract with the owner, at the completion of the contract.~~

~~2.~~
1. By the architect, registered engineers, project inspector and special inspectors at the completion of the project.

~~3.~~
2. By the architect, registered engineers, and project inspector ~~and contractor~~ at the suspension of all work for a period of more than one month.

~~4.~~
3. By the project inspector when any building included in the scope of the project is occupied or re-occupied.

~~5.~~
4. By any architect, registered engineer, project inspector, special inspector, or testing facility ~~contractor~~ whose services in connection with the project have been terminated for any reason.

5. By the geotechnical engineer as required by 4-333(a).

6. By the testing facility as required by 4-335(h).

~~6.~~
7. By any person required by this code to make a verified report. ~~At~~ at any time a verified report is requested by DSA.

(d) Simplified verified reports. Projects consisting solely of single-story relocatable buildings or with a project cost less than $250,000 may file simplified verified reports. The simplified verified reports shall be made as follows:

project shall be submitted to and approved by DSA prior to commencement of the work shown thereon. ~~Change orders~~ Construction change documents shall refer to the portions of the approved plans and specifications being changed, ~~shall state the reason for the change and~~ clearly describe the work to be accomplished, and, where necessary, shall be accompanied by supplementary drawings, technical data and calculations. ~~referenced in the text of the change order~~. ~~Change orders~~ Construction change documents shall be numbered sequentially for easy reference. All technical aspects of the construction change documents ~~change orders and supplementary drawings~~ shall be stamped and signed by the architect or engineer in general responsible charge of observation of the work of construction of the project ~~and~~ or by the architect or registered engineer delegated responsibility for observation of the portion of the work of construction affected by the change ~~order.~~

All other construction change documents shall be submitted to the DSA for concurrence that they do not contain changes to the essential components or systems of the structural, access and/or fire-life safety portions of the project.

~~Change orders shall bear the approval of the school board and shall indicate the associated change in the project cost, if any. When previously approved field change documents are applicable to a change order the change order shall include the complete DSA stamped copy of the field change documents.~~

~~**(d) Field Change Documents.** In order to expedite construction, field change documents may be submitted to DSA. Field change documents shall meet all the requirements necessary for change orders, with the exception of the approval of the school board and the associated change, if any, in costs. Field change documents do not require the stamp or seal, but dos require the signature of the architect or engineers. Work may proceed in accordance with the approved field change documents.~~

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 12927 and 81134.

4-339. Final certification of construction. The certification of essential conformance ~~compliance~~ by DSA for public school building projects will be issued when the work has been completed in accordance with the requirements as to safety of design and construction of Sections 17280-17316 and 81130-81147 of the Education Code. The final certification of essential conformance ~~compliance~~ will not be issued until the owner ~~has filed a notice of completion with DSA and~~ has filed a statement of final actual project cost with DSA as identified in Section 4-322, and has paid all required fees to the Department of General Services.

The certification by DSA may be evidenced either by letter or by certificate. A certificate of essential conformance ~~compliance~~ will, in general, be issued only for large new projects where the board may desire to display such certificate in a conspicuous place. The letter or certificate of essential conformance ~~compliance~~ will be directed to the school board.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17310 and 81142.

ARTICLE 6 DUTIES UNDER THE ACT

4-341. Duties of the architect, structural engineer or professional engineer.

(a) General. The architect or professional engineer is responsible to the school board and to DSA to see that the completed work conforms in every material respect to these regulations and to the approved plans and specifications. (See Section 4-316.) The responsible architect or engineer may, if so authorized, act as agent for the school board in completing and submitting the application Form DSA-1 to DSA. (See Section 4-315.)

The architect or registered engineer in no way is relieved of any responsibility by the activities of DSA in the performance of its duties.

1. By the architect, registered engineers, project inspector and approved special inspectors at the completion of the project.

2. By the architect, registered engineers, and project inspector at the suspension of all work for a period of more than one month.

3. At any time a verified report is requested by DSA.

The dollar amount cited in this section shall be increased on an annual basis, according to an inflationary index governing construction costs that is selected and recognized by the DSA. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17309 and 81141.

4-337. Semimonthly reports. In addition to the verified reports (Section 4-336) the project inspector shall make semimonthly reports of the progress of construction to the architect or registered engineer in general responsible charge and the structural engineer if delegated to observe the structural portion of the construction. A copy of each such report shall be sent directly to the school board, ~~and~~ directly to DSA and a copy kept in the inspector's job file.

Semimonthly reports shall state the name of the building, the school and the school district, and give the file and application number. The reports shall include a list of official visitors to the project and whom they represent, a brief statement of the work done, instructions received from the architect or registered engineer during the period covered by the report and pertinent information regarding any unusual conditions or questions that may have arisen at the job. The semimonthly report shall include problems or non-complying conditions which have occurred on the project and how they were resolved or brought into essential conformance ~~compliance~~. Forms are not provided by DSA for semimonthly reports. Failure to comply with this section, in a timely manner (seven days after reporting period), will be cause for DSA to withdraw approval of the inspector.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17280, 17309, 17310, 81130, 81141 and 81142.

4-338. Addenda and ~~change orders~~ Construction Changes.

(a) General. Work shall be executed in essential conformance ~~accordance~~ with the approved plans, addenda and ~~change orders~~ construction change documents. Changes in the plans and specifications shall be made by addenda~~,~~ ~~field change documents~~ or ~~change orders~~ construction change documents approved by DSA. [See Section 4-318 (b).]

(b) Addenda. Changes or alterations of the approved plans or specifications made during the bidding phase and prior to letting a construction contract for the work involved shall be made by means of addenda which shall be submitted to and approved by DSA prior to distribution to contractors. Original copies of addenda shall be stamped and signed by the architect or engineer in general responsible charge of preparation of the plans and specifications and by the architect or registered engineer delegated responsibility for the portion affected by the addenda. [See Section 4-317 (h).] One copy of each addendum is required for the files of DSA.

(c) ~~Change orders~~ Construction Changes. Changes of the approved plans or specifications after a contract for the work has been let shall be made ~~only~~ by means of ~~change orders [or field change documents, see 4-338(d)]~~ construction change documents. Construction change documents for changes to the essential components or systems of the structural, access and/or fire-life safety portions of the

(b) General responsible charge. The architect, structural engineer or professional engineer in general responsible charge shall advise the school board in regard to filing of the application for approval of plans, the selection of an inspector and the selection of a testing laboratory. The responsible architect or engineer shall prepare plans, specifications, design calculations and other data and shall prepare addenda and ~~change orders~~ construction change documents authorized by the school board and as required by conditions on the project.

The responsible architect or engineer shall make, or cause to be made, the corrections required on the various documents to comply with the requirements of these regulations. The responsible architect or engineer shall perform general observation of the work of construction, interpret the approved drawings and specifications and shall provide the project inspector and testing facility with a complete set of stamped plans, specifications, addenda and ~~change orders~~ construction change documents prior to the start of construction.

In general, DSA directs all technical correspondence to the architect or registered engineer in general responsible charge of the project.

(c) Delegated responsibility. An architect or registered engineer to whom responsibility has been delegated shall, under the general direction of the design professional in general responsible charge, prepare plans, specifications, calculations and other data, and make corrections on these documents as required to comply with these regulations. Such architect or registered engineer shall consult with the design professional in general responsible charge in the preparation of addenda, deferred approvals, ~~field change documents~~ and ~~change orders~~ construction change documents and the selection of inspectors and the testing facility. The architect or registered engineer shall indicate his or her responsibility for the documents, which affect his or her portion of the work and are presented to DSA for approval, by his or her stamp and signature thereon. The architect or registered engineer shall observe the work of construction of his or her portion of the project and shall consult with the design professional in general responsible charge in the interpretation of the approved drawings and specifications.

(d) Approval of inspectors. The school district or architect or registered engineer in general responsible charge shall submit to DSA:

1. The name of the person proposed as project inspector of the work, together with an outline of his or her experience and pertinent qualifications on a Project Inspector Qualification Record (Form DSA-5), at least 10 days prior to the time of starting construction work.

2. When an assistant inspector is used: ~~,~~

   Tthe name of the proposed assistant inspector together with an outline of his or her experience and pertinent qualifications on an Assistant Inspector Qualification Record (Form DSA-5A). Form DSA-5A must be submitted at least 10 days prior to the use of the assistant inspector.

3. When a special inspector is used:

   Tthe name of the special inspector to be used in accordance with Section 4-333 (d) 5.

DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any DSA regional office.

The architect or registered engineer shall provide general direction of the work of the project inspector and shall immediately notify the school board and DSA by letter if the project inspector is found to be unable or unwilling to perform such duties properly. This notification shall include a statement as to whether the architect or registered engineer is recommending that DSA withdraw its approval of the project inspector and that the school board terminate the inspector's employment. Upon concurrence by DSA with the recommendation of the responsible architect or registered engineer the withdrawal of the project inspector's approval is automatic. Upon completion of a terminating verified report, and the submittal of a copy of the inspector's job file to DSA, the inspector's duties and responsibilities for the project are ended.

In view of the architect or registered engineer's responsibilities for directing the activities of the inspector, such architect or registered engineer shall review and evaluate the inspector's qualifications before recommending the approval of the inspector to DSA.

(e) Report of contract. The architect or registered engineer in general responsible charge or school board shall report contract information and time of starting work to DSA. (See Section 4-331.)

(f) Architect or engineer verified reports. All architects and registered engineers having responsibility for observation of the work of construction shall maintain such personal contact with the project as is necessary to assure themselves of essential conformance ~~compliance in every material respect~~ with the approved plans and specifications. Personal contact shall include visits to the project site by the architect, engineer or their qualified representative to observe the construction. Each architect or engineer shall submit verified reports to DSA and provide a copy to the project inspector as required by Section 4-336. The architect or registered engineer in general responsible charge shall also require that verified reports from the project inspector, special inspectors, testing facility, the geotechnical engineer, ~~contractors~~ and the other architects and engineers are submitted as required.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17302, 17309, 17310, 81138, 81141 and 81142.

4-342. Duties of the project inspector.

(b) Duties. The general duties of the project inspector in fulfilling his or her responsibilities are as follows:

3. Job file. The project inspector shall keep a file of approved plans and specifications (including all approved addenda or construction change documents ~~change orders~~) on the job at all times. The inspector, as a condition of employment, shall have and maintain on the job at all times, the edition of Title 24, Parts 1, 2, 3, 4, 5 and 6 referred to in the plans and specifications. The job file shall include the DSA testing and inspection form, inspector's semi-monthly reports, all verified reports for all persons required by this code to file verified reports, laboratory tests and inspection reports. The job file shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. A copy of the job file shall be submitted to DSA at the time of substantial completion of the project, anytime upon request by DSA, and/or if the inspector terminates prior to substantial completion of the project.

7. Construction project log. The inspector shall maintain construction logs on site at all times including, but not limited to, the following:

B. A log of all deviation notices. The log shall reference all applicable details and specification sections related to non-conforming materials and workmanship including ~~field change documents~~ construction change documents, ~~change orders~~, addenda, and deferred approvals. The log shall describe all corrective actions taken whether performed in accordance with DSA approved documents or not, the current status of each deviation issue and the resolution for each issue.

(d) Disciplinary actions. Failure to satisfactorily perform inspector duties identified in this Code may be cause for DSA to take action(s) which include but are not limited to the following:

1. Require the inspector to meet with DSA in the regional office for counseling.

2. Requiring the inspector to attend training classes.

3. Withdrawal of the inspector's approval for the project.

4. Withholding approval of the inspector for other projects.

~~4.~~
5. Downgrading of the inspector's class of certification.

~~5.~~
6. Suspension of the inspector's certification.

~~6.~~
7. Withdrawal of the inspector's certification.

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17309, 17311, 81138, 81141 and 81143.

4-343. Duties of the contractor.

(a) Responsibilities. It is the duty of the contractor to complete the work covered by his or her contract in accordance with the approved plans and specifications therefore. The contractor in no way is relieved of any responsibility by the activities of the architect, engineer, inspector or DSA in the performance of such duties.

(b) Performance of the work. The contractor shall carefully study the approved plans and specifications 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 approved plans and specifications, the contractor shall correct the work immediately.

All inconsistencies or items which appear to be in error in the plans and specifications shall be promptly called to the attention of the architect or registered engineer, through the inspector, for interpretation or correction. In no case, however, shall the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the approved plans, specifications and ~~change orders~~ construction change documents.

The contractor must notify the project inspector, in writing, of the commencement of construction of each and every aspect of the work at least 48 hours in advance.

The contractor must notify the inspector of the completion of each aspect of the work.

~~**(c) Contractor verified reports.** The contractor shall make and submit to DSA from time to time, verified reports as required in Section 4-336.~~

~~If work on the building is being done by independent contractors, having contracts with the school board, verified reports shall be submitted by each contractor regardless of the type of work involved.~~

NOTATION
Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17280, 17309, 81130 and 81141.