

**EXPRESS TERMS
OF PROPOSED AMINISTRATIVE STANDARDS
OF THE DIVISION OF THE STATE ARCHITECT-STRUCTURAL SAFETY (DSA-SS)
REGARDING THE 2010 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1**

Chapter 4

LEGEND FOR EXPRESS TERMS

1. Proposed new text: All such language appears underlined.
2. Repealed text: All such language appears in ~~strikeout~~.

**CHAPTER 4. ADMINISTRATIVE REGULATIONS FOR THE DIVISION OF THE
STATE ARCHITECT-STRUCTURAL SAFETY (DSA/SS)**

4-207. Definitions. The words defined in this section shall have the meaning stated therein throughout the rules and regulations contained in Part I (Administrative), Title 24, CCR.

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APPROVED PLANS AND SPECIFICATIONS shall mean plans, specifications, addenda and change orders which have been duly approved by the appropriate enforcement agency pursuant to Sections 16013 and 16016 of the Health and Safety Code and which are identified by a stamp bearing the name of the enforcement agency, the identification number, the date and the signature of the qualified reviewer as required in Section 16011 of the ~~a~~Act.

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4-217. Duties of the architect and registered engineers.

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(c) **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 compliance in every material respect with the approved plans and specifications and shall submit verified reports to the enforcement agency as required in Section 4-214. The architect or registered engineer in general responsible charge shall be responsible for the timely submittal of the required verified reports from the project inspector, the contractor and any other architects or engineers who have been delegated responsibility for observation of the work.

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4-218. ~~d~~Duties of the mechanical and electrical engineers. The architect, structural engineer or civil engineer in general responsible charge retains overall responsibility for the mechanical and electrical portions of the work when the design responsibility for that work has been delegated and the plans have been prepared by registered mechanical and electrical engineers.

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GROUP 1. SAFETY OF CONSTRUCTION OF PUBLIC SCHOOLS

ARTICLE 1. GENERAL PROVISIONS

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4-306. Approval of new school buildings, rehabilitation of school buildings, and additions to school buildings. Plans and specifications for any new school building or the rehabilitation of or addition to any school building, regardless of cost, shall be submitted to DSA for approval in accordance with Section 4-315.

All new construction work which is part of an addition project shall comply with currently effective regulations. Existing school buildings for which an addition project is proposed shall be retrofitted as required by Section 4-309 (c).

Before the board may award a contract or commence construction work for the rehabilitation of a structure already owned (including those pre-1933 buildings not retrofitted or subsequently abandoned for school use under the provisions of the Garrison Act), or an existing building which has been purchased or leased, into a school building, the board shall submit application and plans of the building to DSA for approval. The plans shall provide for the retrofit necessary for full compliance with the requirements of currently effective regulations. Refer to Section 4-307 for rehabilitation of an existing nonconforming building for use as a school building.

(Reproduced from Section 4-307 (c)) Prior to submittal of project application for the structural rehabilitation of an existing school building, the owner shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction; and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report establishes the criteria for the evaluation and design to be used by the project design professionals. And the material testing and condition assessment requirements.

The relocation or moving of an existing school building within the same school district or from one school district to another regardless of cost requires approval by DSA. (See Section 4-314.)

The provisions of this section shall not apply to a "temporary-use building" (See Section 4-314 for definitions of "new school building" and "temporary-use building.")

4-307. Rehabilitation of an existing nonconforming building for use as a school building

(a) An existing nonconforming building rehabilitated for use as a school building is considered, for the purpose of the application of Title 24, to be a new school building. Plans and specifications for rehabilitation of any existing nonconforming building, or portion thereof, for use as a school building shall provide for the retrofit necessary for compliance with the health and safety standards contained in Title 24, C.C.R., currently effective edition. Existing materials or systems not specifically prescribed in current safety standards are permitted to be evaluated for equivalency and approved in accordance with Section 4-304. The seismic evaluation and retrofit design shall comply with the provisions of Sections 3415 through 3421, Part 2, Title 24, C.C.R.

(b) A site, which is currently not an existing school site, on which one or more existing nonconforming buildings are rehabilitated for use as school building(s) is considered to be a new school site for the purpose of the application of Title 24. Any building on the new school site which is not rehabilitated and approved as a school building shall not be used for school purposes and shall be subject to the provisions of Section 4-310.

(c) Prior to submittal of project application for the structural rehabilitation of an existing nonconforming building, the owner shall submit to DSA a pre-application for the rehabilitation project, fees in accordance with Section 4-326, and an Evaluation and Design Criteria Report for approval. The report shall propose the methodologies for evaluation and design, and determination of acceptance criteria for nonconforming construction; and shall propose the material testing and condition assessment requirements for the rehabilitation. The approved Evaluation and Design Criteria Report establishes the criteria for the evaluation and design to be used by the project design professionals. And the material testing and condition assessment requirements.

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4-309. Reconstruction or alteration projects in excess of \$25,000 in cost.

(a) **General.** Plans and specifications for any reconstruction or alteration project exceeding \$25,000 in cost shall be submitted to DSA for approval in accordance with Section 4-315, except as provided within this section. The cost of the work classified as maintenance as defined in Section 4-314 shall not be considered for the purpose of this section. When the estimated cost of a reconstruction or alteration project exceeds \$25,000 but does not exceed \$100,000, and a licensed structural engineer determines that the project does not include any work of a structural nature, approval of the project plans and specifications by DSA is not required, provided the following three items are completed:

1. The structural engineer shall submit a written statement to DSA, indicating that the project does not contain any work of a structural nature.
2. The design professional in general responsible charge of the project shall certify, in writing, that the plans and specifications for the project meet any applicable fire and life-safety standards, and do not specify any work of construction that is regulated by the accessibility standards of Title 24. This certification shall be submitted to DSA, and shall bear the stamp and signature of the design professional.
3. Within 10 days of the completion of the project, a DSA-certified project inspector shall sign and submit a verified report on Form DSA-999 to DSA, indicating that the project was completed in conformance with the plans and specifications. ~~(See Section 4-336 Verified Reports).~~

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 Division of the State Architect. This annually adjusted dollar amount shall be published by DSA and made available to school boards and the public.

School construction projects shall not be subdivided for the purpose of evading the cost limitations of this section.

All new construction work, which is part of a reconstruction or alteration project, shall comply with currently effective regulations.

EXCEPTION: Fire damage repair may be accomplished utilizing the approved plans and specifications for the original construction work. All regulations and standards in effect at the time of approval shall be complied with except that the testing and inspection requirements of current regulations shall apply to the reconstruction work. Minor modifications to the original approved plans may be made, subject to the approval of DSA, provided that they do not reduce the structural capacity of the building.

Structural modifications to the existing structural system not exceeding the limits defined in Section 4-309 (c) 2 are permitted to be evaluated and designed in compliance with the wind and seismic provisions contained in Part 2, Title 24 that are applicable to new buildings. Alternatively, the seismic provisions for voluntary lateral-force resisting system modifications contained in Section 3415.11, Part 2, Title 24, are permitted to be used, and wind forces are permitted to be determined in accordance with the Simplified Procedure in Section 6.4 of ASCE 7.

(b) **Existing noncomplying nonstructural elements.** Existing noncomplying, nonstructural elements discovered during the design or construction of a reconstruction, alteration or addition to an existing complying school building and directly affected by the work of construction shall be corrected to comply with the bracing and anchorage requirements of currently effective regulations.

(c) **Required structural rehabilitation.** Existing school buildings for which a reconstruction, alteration or addition project is proposed shall be evaluated and retrofitted as required to comply with currently effective regulations applicable to the rehabilitation of structural systems per Section ~~4-307-Wind 4-306~~, including wind and seismic forces requirements, shall be considered, with when either of the following conditions occur:

1. When the cost of the reconstruction, alteration, or addition project exceeds \$25,000 and 50 percent of the replacement value of the existing building. Maintenance work and air-conditioning equipment and insulation materials costs need not be included in the percentage of replacement value calculation. For the purposes of this section, the cost of the reconstruction, alteration or addition project shall not include the cost of structural rehabilitation.

2. When the cost of the reconstruction, alterations, or addition project exceeds \$25,000 but does not exceed 50 percent of the replacement value of the existing building and the proposed modifications, either:

- A. Increase the effective seismic weight or wind force in any story by more than 10 percent, or;
- B. Decrease the design capacity of any existing structural component by more than 5 percent, unless the component has the capacity to resist the retrofit design forces.

If the base shear capacity has been increased since the original construction, the percent change in base shear is permitted to be calculated relative to the increased capacity.

(d) **Voluntary lateral force resisting system modifications.** Alterations to existing structural components or additions of new structural components that do not exceed the limitations of Section 4-309 (c) 2 and are initiated for the purpose of increasing the strength or stiffness of the lateral force resisting system of an existing structure are permitted to be evaluated and designed in accordance with Section 3415.11 of Part 2, Title 24 for voluntary lateral-force resisting system modifications.

(e) When structural damage due to an earthquake is repaired, all portions of the structure associated to this damage shall be retrofitted to comply with currently effective regulations.

4-310. School garages, warehouses, storage and similar buildings, dwellings for employees and miscellaneous structures. The Act does not apply to buildings or structures constructed by a school district for the purpose of, and used solely for housing, 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. Similarly, the Act does not apply to dwellings for employees or to district-wide administrative buildings on sites separate from school sites, which are not to be used or entered by pupils or teachers, for school purposes.

~~Buildings or structures of this nature may be constructed by the school board on its own responsibility without first submitting plans and specifications to DSA, including DSA approval for accessibility is required in accordance with Section 5-101. Approvals from other agencies may also be required, but s~~ Such buildings or structures shall ~~never~~ not be used for school purposes. It shall be the responsibility of the school board to take all necessary measures and precautions to prevent such use and to prevent injuries to pupils or teachers on school grounds as a result of collapse of such buildings or structures. Any such building excluded from the provisions of these regulations shall be posted with a sign pursuant to Sections 17368 and 81165 of the Education Code.

In authorizing and completing the design and construction of district-owned buildings as described in this section, the school board assumes responsibility for employing appropriately licensed architects or registered engineers to prepare the plans and specifications and for adequate inspection of the materials and work of construction to ensure compliance with the provisions of Parts 2, 3, 4, 5, 6, 7 and 12, Title 24, C.C.R., as adopted by the Building Standards Commission.

For these cases DSA requires that a resolution be passed by the school board stating that the building or structure shall not be used for school purposes and that no pupils or teachers, as such, will be permitted to use or enter the said building for said purposes or be subjected to a hazard resulting from its collapse. A copy of the resolution shall be submitted to DSA.

ARTICLE 2. DEFINITIONS

4-313. General. The words defined in Section 4-314 shall have the meaning stated therein throughout the regulations contained in Part 1, Section 4-300, et. seq, Title 24, C.C.R.

4-314. Definitions.

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APPROVED PLANS AND SPECIFICATIONS as used in these regulations shall mean plans, specifications, addenda, change orders 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. ~~The identification stamp of DSA shall not be construed to mean the written approval of plans and specifications required by Section 4-318.~~

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GEOTECHNICAL ENGINEER shall mean a professional engineer holding a certificate to use the title geotechnical engineer, soil engineer or soils engineer under the law regulating the practice of civil engineering comprising Chapter 7 of Division 3, of the ~~Business and Professions Code~~ California Business and Professions Code.

INSPECTOR shall mean any person duly approved by DSA to perform construction inspection for a particular project. ~~(See Section 4-333 and 4-342) The project inspector shall be responsible for inspecting all work included in the project, except inspection performed by a special inspector. An assistant inspector assists the project inspector in completing administrative and inspection duties. A special inspector is a specially qualified person utilized where required by code, to inspect specific aspects of the work, and shall be responsible only for inspecting the work for which the special inspector has been approved.~~

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ARTICLE 3. APPROVAL OF DRAWINGS AND SPECIFICATIONS

4-315. Application for approval of drawings and specifications.

(a) **General.** Before awarding a contract or commencing with construction of a school building project the school board shall submit an application to the Division of the State Architect and obtain written approval of the plans and specifications for any of the following:

1. The construction of any new school building, or rehabilitation of or addition to any existing school building. School building is defined in Section 4-314.
2. The reconstruction or alteration of an existing school building if the estimated cost exceeds \$25,000. (See Section 4-308 and 4-309.)
3. The lease or purchase of any relocatable building except where occupied as a temporary-use building.

EXCEPTION: The school board may award a contract and commence construction of a "relocatable building" of a type previously approved by DSA under emergency conditions and with concurrence by DSA. These structures shall not be placed on a school site until the plans and specifications for the site work have been approved by DSA.

4. The extension of a lease for a "temporary-use" building for more than three years from the date of first occupancy.
5. The rehabilitation of a nonschool building to use as a "school building." (See Sections 4-306 and 4-307.)

It is not necessary to secure approval for maintenance work on school buildings, in accordance with Sections 4-308 and 4-309. See Section 4-314 for the definition of "maintenance."

(b) **Filing.** A separate application shall be submitted to DSA for each school building or group of school buildings on each school site. In the event that a number of school buildings, on various and separate sites, are to be constructed from the same plans and specifications, only one application shall be required, provided that all buildings are constructed at the same time and within the same school district. The application shall be submitted on Form DSA-1, Application for Approval of Plans and Specifications. DSA forms are available on the Internet at www.dgs.ca.gov/dsa, or at any of the DSA regional offices. The application shall contain a project name for the school building or group of buildings, the name of the architect or registered engineer in general responsible charge

of the work, the names of the architects or registered engineers who have been delegated responsibility for portions of the work (see Section 4-316), the estimated cost of the project and all such other information as is requested thereon.

(c) **Delayed Filing.** In case the plans and specifications for the reconstruction or alteration of any school building have not been submitted to DSA under the assumption that the cost will not exceed \$25,000, the school board shall, if the bids which are received indicate that the cost will be in excess of \$25,000, delay letting a contract until such time as the plans and specifications have been submitted and the approval by DSA obtained. The contract or contracts, when made, shall be based on the duly approved plans and specifications.

4-316. Designation of responsibilities.

(a) **General responsible charge.** For every project there shall be an architect or structural engineer in general responsible charge of the preparation of the plans, specifications, and observation of the work of construction, except that where plans, specifications, or work of construction for alterations or repairs do not involve architectural or structural changes said plans, specifications and observation of the work of construction may be under the responsible charge of a professional engineer qualified to perform services and registered in that branch of engineering applicable to the work.

A project may be divided into parts, provided that each part is clearly defined by a building or similar distinct unit. The part, so defined, shall include all portions and utility systems or facilities necessary to the complete functioning of that part. Separate assignments of general responsible charge may be made for the parts.

(b) **Delegation of responsibility.** The architect or structural engineer in general responsible charge may delegate responsibility for any portion of the work to, or may employ or retain, other architects or registered engineers. No delegation to, or employment or retention of others shall be construed as relieving the architect or structural engineer in general responsible charge of his or her rights, duties and responsibilities under Sections 17302 and 81138 of the Education Code and Sections 4-336, 4-341 and 4-344 of these regulations. Whenever an engineer or architect has accepted delegation for the design of portions of the plans and specifications, that same engineer or architect shall observe the construction of the same portions of the design.

Subject to the provisions of the immediately precedent sentence, the architect or structural engineer in general responsible charge shall employ or retain, under his or her supervision, professional engineers registered in the applicable branches of engineering to design and observe the construction, including the making of verified reports (see Section 4-336), of the mechanical and electrical portions of the work, but this requirement for observation of construction may be waived when special mechanical and electrical inspection is provided in accordance with Section 4-333 (c), where the elements of the mechanical and electrical portions of the work will not be significant to the safety of the building or its occupants.

(c) **Assumption of responsibility.** The architect or registered engineer who submits for approval plans and specifications for any project or portion of a project which have been prepared by others shall assume responsibility for the safety of design of the completed construction and for the interpretation of and any necessary amplification of the plans and specifications of the project. The responsible architect or engineer shall stamp and sign all original tracings or all copies of plans submitted for approval to indicate his or her assumption of responsibility or may in lieu thereof stamp and sign and submit plans prepared under his or her own charge. [See Section 4-317 (h) for other signatures.]

When an architect or registered engineer accepts the responsibility for completion of a project or portion of a project ~~relinquished~~ started by another, that architect or registered engineer thereby assumes responsibility as follows:

1. If the ~~relinquishment~~ change in responsibility occurs prior to the completion of the design documents, all responsibility shall be assumed. (See first paragraph of this subsection for procedure.)
2. If the ~~relinquishment~~ change in responsibility occurs after the design drawings and specifications have been completed and approved by DSA, the assuming architect or registered engineer shall be responsible for the construction of the project in accordance with the design of the ~~relinquishing previous~~ architect or engineer. The assuming architect or registered engineer shall assume responsibility for the interpretation of and any necessary amplification of the plans and specifications and shall stamp and sign any such documents prepared for that

purpose.

(d) **Acceptance of responsibility.** The assumption of general responsible charge or of delegated responsibility shall be clearly outlined, accepted and approved by the parties concerned, including the school board. Form DSA-1, Application for Approval of Plans and Specifications provides for the common conditions of delegation of responsibility, but for unusual cases, or for changes in responsibility taking place after the plans have been submitted for approval, the delegation of responsibility, acceptances and approvals thereof, shall be submitted in letter form, which shall include an indication that the school board has been notified.

(e) **Evidence of responsibility.** The stamp and signature of the architect or registered engineer on a plan, specification, or other document shall be deemed evidence that full responsibility is assumed by the signatory for the work shown thereon, including also those portions of the accompanying computations, specifications, or plans which pertain to such work, unless express notice of disclaimer of responsibility is given in writing to DSA prior to the approval of the plans and specifications.

(f) **Alternates.** The applicant, or the architect or registered engineer having general or delegated responsibility, may name one or more persons to act as alternate(s) for the design and/or observation of the work of construction provided such persons are architects or registered engineers who themselves are qualified under these rules and regulations to assume the responsibility assigned.

Alternates may be named on Form DSA-1, Application for Approval of Plans and Specifications, or in letter form. Letter forms shall be submitted prior to performance of work by the alternate and shall include an indication that the school board has been notified.

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

(a) **General.** When an application for approval of plans and specifications is filed, it shall be accompanied by three complete sets of the plans and specifications, a copy of the structural design calculations, the site data and a fee payment calculated on the estimated cost. The three complete sets of plans and specifications include the set required by Section 5-103 of Title 24, Part 1, California Code of Regulations. (See Section 4-320.)

Exception: An application for projects using the collaborative process for project review per Education Code Section 17319 or 81133.1 shall be accompanied by the filing fees per Section 4-320 and 5-104. The deadline for submittal of completed plans, specifications and supporting documentation shall be determined by DSA in consultation with the applicant, and shall not exceed 18 months from the application date. Failure to comply with the established deadline may result in voidance of the application.

(Relocated from 4-317(b)2) ~~2-~~ Plans and specifications which when submitted are obviously determined by DSA to be incomplete or incorrect, shall be returned to the architect or engineer in general responsible charge with a request for compliance with these regulations before checking is started by DSA.

(b) Plans.

~~4-~~ Plans shall designate the use or occupancy of all parts of the school buildings and shall give such other information as may be required to indicate the nature of the work proposed and to show compliance with the act and these regulations. The plans shall be legible and sufficiently detailed and cross-referenced to show clearly the pertinent features of the construction, and shall have sufficient dimensions to be readily interpreted. Where a project includes several school buildings, the plans for each shall be drawn independently except that details common to all need not be repeated.

The architect or engineer in general responsible charge or the professional engineer delegated responsibility for the design of the structural system of the project shall design and detail the anchorage and bracing of nonstructural elements. The details for the bracing and anchorage of nonstructural elements shall be shown on the drawings adjacent to the nonstructural elements to which they apply.

(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 all the specifications for alteration, rehabilitation or reconstruction projects:

~~"The intent of these drawings and specifications is that all construction the work of the alteration, rehabilitation or reconstruction is to be in accordance with Title 24, California Code of Regulations. Should any existing conditions such as deterioration or noncomplying construction be discovered which is not covered by the contract DSA approved documents wherein the finished work will not comply with Title 24, California Code of Regulations, a change order, 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."~~

(d) **Design calculations.** Calculations, stress diagrams and other pertinent data shall accompany the plans and specifications and shall be sufficiently complete so that capacities for individual structural members and their connections can be verified without additional calculations. All assumptions used in the calculations and their bases shall be stated. The calculations shall be prefaced by a statement clearly and concisely outlining the basis for the structural design and indicating the manner in which the proposed school building will resist vertical loads and horizontal forces.

The calculations shall be sufficiently complete to establish that the structure will resist the loads and forces prescribed in Part 2, Title 24, C.C.R. Assumed safe bearing pressures on soils and specified strengths of concrete shall be given in calculations and noted on plans. Where unusual conditions occur, such additional data as are pertinent to the work shall be submitted.

(e) **Site data.** Site data for all school sites shall include a soil investigation report geotechnical engineering report including subsurface site work, laboratory testing, an evaluation of site soil conditions, a recommendation for the type of foundations to be used and an allowable design value for the soil-bearing capacity.

~~A geologic and earthquake hazard report shall be submitted with the application for all For new school sites, and for all construction on existing school sites located in an Alquist-Priolo Zone Earthquake Fault Zone or a Seismic Hazard Zone or in the Safety Element of the Local General Plan as described in Sections 17212 of the Education Code a Seismic Hazard Zone, an Alquist-Priolo Earthquake Fault Zone, or in a seismic hazard zone designated in the Safety Element of the a Local General Plan, a geologic and earthquake hazard report shall be submitted with the application. The report shall include an evaluation of both known and potentially active local and regional fault systems and of slope stability and liquefaction potential as hazards to school structures. In accordance with Education Code Section 17212.5, DSA may require a similar geologic and earthquake hazard study for a new any construction on a school site outside of the boundaries of any special studies geologic hazard zone where a potential geologic hazard has been previously identified.~~

~~For existing school sites DSA may require the District to employ a Reports shall be prepared, and signed by a California-certified engineering geologist in consultation with and a California-registered geotechnical engineer to prepare a geologic hazards statement evaluating the potential for geologic and earthquake damage for projects involving alterations, rehabilitation, additions or new construction. A geologic and earthquake hazard report as indicated above may be required for existing sites in accordance with Sections 17212.5 and 81033.5 of the Education Code. Geologic hazard reports shall include an evaluation of potential for damage due to flooding.~~

No school building shall be constructed, rehabilitated, reconstructed, or relocated within 50 feet of the trace of an active fault, which has experienced surface displacement within Holocene time (approximately 11,000 years).

(f) **Estimates of cost.** Estimates of cost shall be based on the cost prevailing at the time the plans and specifications are submitted to DSA. The estimated cost of a project shall be increased as necessary to include the estimated cost of every alternate building or portion thereof shown on the plans or specifications as if each alternate building and portion were to be constructed separately and simultaneously.

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, the estimated cost of the project shall be based on the cost prevailing at the time that the application is submitted. Upon submittal of complete plans and specifications, DSA may require the applicant to revise the estimated cost based on prevailing costs at that time. If the estimated cost has increased, the applicant shall submit additional filing fees based on the revised estimated cost.

When a contract amount, or the cumulative total of two or more contract amounts, exceeds the estimated cost by

more than 30 percent, the estimated cost may be revised. An additional fee, if required, based on the revised estimated cost of the revision shall be paid before proceeding with the work. When the actual cost of constructing all the work shown on the approved plans is less than 70 percent of the estimated cost a refund of overpaid fees may be claimed. (See Section 4-322 for actual cost and Section 4-325 for billing for further fees.)

(g) **Deferred approvals.** Only where a portion of the construction cannot be adequately detailed on the approved plans because of variations in product design and/or manufacturer, the approval of plans for such portion, when specifically accepted by DSA, may be deferred until the material suppliers are selected provided the following conditions are met:

1. The project plans clearly indicate that a deferred approval by DSA is required for the indicated portions of the work prior to fabrication and installation.
2. The project plans and specifications adequately describe the performance and loading criteria for such work.
3. ~~An~~ A California licensed architect or California registered engineer stamps and signs the plans and specifications for the deferred approval item. The architect or engineer in general responsible charge of the design of the project shall submit the plans and specifications for the deferred approval item to ~~the enforcement agency DSA,~~ with notation indicating that the deferred approval documents have been found to be in general conformance with the design of the building.
4. Fabrication of deferred approval items shall not begin without first obtaining the approval of plans and specifications by DSA.

(h) **Signatures Required.** ~~All The original signature sheet for the specifications and all original tracings for plans, except those plans for deferred approval items and the original cover sheet for the specifications~~ submitted for approval shall bear the stamp and signature of the architect or professional engineer in general responsible charge of design of the project. ~~In addition,~~

When responsibility for a portion of the work has been delegated the original tracings for plans and the original cover sheet for the specifications covering that portion of the design shall also bear the signature and stamp of the responsible professional engineer or architect to whom the work has been delegated as well as that of the architect or engineer in general responsible charge. As an option, the architect or engineer in general responsible charge may sign the documents with notation indicating that the documents have been coordinated with the design documents and found to be in general conformance with the design.

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

(a) **General.** After DSA has completed its check of the documents submitted with the application, the checked prints of the plans and specifications, with the items marked for corrections and/or requests for additional information noted thereon, shall be returned to the responsible architect or registered engineer. When plans and/or specifications require extensive corrections, a corrected set of prints of the plans and specifications shall be submitted for review if requested by DSA.

When the requested corrections have been made and/or the additional information has been provided by the responsible architect or registered engineer, an employee representative of the architect or registered engineer shall return the check set of plans and specifications along with the original plan tracings, the corrected specification pages and specification master cover sheet to DSA for backchecking. The backcheck is a comparison of the corrected plans and specifications with the check set of plans and specifications and shall be accomplished by either a conference between a knowledgeable employee representative or the architect or registered engineer in general responsible charge and the checking engineer, or by mail in the case of minor corrections to which all parties have agreed.

Changes in plans and specifications, other than changes necessary for correction, made after submission for approval, shall be brought to the attention of DSA in writing or by submission of revised plans identifying those changes clearly at the time of back-checking. Failure to give such notice may result in the voidance any subsequent approval given to the plans and specifications.

All requested corrections shall be made, additional requested information furnished or original design justified prior to or at the time of the backcheck. When DSA deems that the corrected plans and specifications comply with

these regulations and those parts of Title 24, CCR, that pertain to public school construction, DSA shall place its stamp on the reproducible sheets of drawings and master cover sheet of the specifications. ~~This stamp is affixed for purposes of identification only and shall not be construed as authorization to let the construction contracts. See Section 4-318 (b). One set of prints of the stamped plans and one set of prints of the stamped specifications shall be submitted to DSA immediately after stamping to allow the written approval of the application to be issued. The stamped drawings and specifications will be temporarily retained by DSA so that a record set can be created. DSA may charge a fee to the school district to recover the costs of creating the record set.~~

(b) **Approval of application.** DSA shall issue to the school district a letter approving the application for the project ~~upon receipt of the stamped file copies of~~ within five working days of stamping the approved plans and specifications. This letter shall constitute the "written approval of the plans, as to safety of design and construction" required by Sections 17297 and 81134, Education Code, before letting a any contract for any construction, ~~and the approval thereof in writing which must be "had and obtained" before any valid contract may be made or executed.~~ (See Section 4-330 for construction time limitations.)

(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.)

The procedures leading to written approval of plans shall be carried to conclusion without suspension or unnecessary delay. At the discretion of DSA, the entire application may be voided where either (1) prints from corrected plans or corrected original plans are not filed for backcheck within 6 months after the date of return of checked plans to the architect or engineer, or ~~(2) prints of the stamped plans and one set of stamped specifications are not submitted to DSA within 14 days after the date shown on the stamp of identification, or~~ (3) at the discretion of DSA, any remaining unapproved ~~portion~~ increment(s) of the application may be voided when more than six months have elapsed since the last approval of an increment has been issued, and subsequent incremental plans and specifications have not been received by DSA for checking.

For voided applications, upon request by the school district, 30 percent of the paid fee will be refunded; however, no refund will be allowed for projects upon which only the minimum fee has been paid, or upon which only an portion increment was voided.

4-319. Withdrawal of application. If a request is made by the school board for the cancellation or withdrawal of the application and return of the plans and specifications, together with the paid fee, it will be granted only when the check of plans and specifications has not actually started. If the checking of plans and specifications has started, 30 percent of the paid fee will be refunded or applied to a new application for the same project.

No refund will be allowed for projects upon which only the minimum fee has been paid. No refund will be allowed after a contract has been let for any portion of the work except as provided by Section 4-317 (f).

For projects using the collaborative process for project review per Education Code Section 17319 or 81133.1, if the project is voided by DSA or a request by the applicant is made to withdraw the application prior to submittal of completed plans and specifications, filing fees minus costs incurred by DSA will be refunded.

ARTICLE 4. FEES

4-320. Fees. The fees required by Sections 17300 and 81136 of the Education Code shall be in accordance with Section 4-321.1. The fee schedule in effect at the time of filing shall apply throughout the duration of such application. A list of prior fee schedules is available upon request from DSA. The words "filing fee" mean the fee which shall accompany the application, or as corrected pursuant to Section 4-317 (f), and the words "further fee" mean the fee which shall be paid to DSA if the actual cost exceeds the estimated cost by more than 5 percent. The application is considered to be received when it, accompanied by the plans and specifications, structural design computations, other required documents and filing fee, has been received by DSA, and the application number assigned.

4-321. Fee Schedule 11. The filing fee for projects shall be 0.7 percent of the first \$1,000,000 of estimated cost and 0.5 percent on the excess of the estimated cost over \$1,000,000, except that the minimum fee in any case shall be \$250.00. If the actual cost exceeds the estimated cost by more than 5 percent, the further fee for such projects shall

be equal to the difference between the filing fee paid and the amount computed under Fee Schedule 11 on the actual cost, the actual cost being determined according to Section 4-322.

4-322. Project cost. For purposes of determining fees, both the estimated and actual costs of the project shall be the total outlay for all work included in the approved plans and specifications (exclusive of fees paid, but not recovered, for architectural, engineering, inspection and testing services) regardless of whether the funds are provided by the school district, by other public or private agencies or by individuals. The cost shall include any moving or relocation. In the event a building is converted to school use (see Section 4-306) the cost shall include the current replacement cost of the building. The current replacement cost shall be computed by multiplying an appropriate square foot cost by the total square foot area of the building being converted to school use. If work is done in portions the actual cost shall be determined at the completion of each contract. (See Section 4-325.)

The estimated cost and the fee based thereon shall not be amended after plan check has started except as provided by Section 4-317 (f) or for permissible increase in scope of project. The scope of a project shall not be amended after bids for all or part of the project are opened. No portion of the fee can be returned after checking has been started except as provided by Sections 4-317 (f) and 4-319.

Actual cost shall include all items which are normally considered to be contractor's operation costs such as district-furnished labor and materials, bond, insurance and use of district facilities, and shall not be reduced by charge-backs such as those for testing, inspection or overrun of contract time. All fees and/or reimbursable charges paid to the construction managers shall be included in the actual cost of construction. When the contract for the work includes items not otherwise subject to the approval of DSA and not included in the approved plans and specifications the actual cost shall include this work unless such costs are segregated by separate bid items or by separately priced items of change orders, or by a certified copy of a subcontractor's bid. Such segregation shall not be made by contract price breakdown or estimates. An hourly fee may be charged to the school district for the review of bid alternates.

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.

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 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 a 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 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.

Authority: Education Code Sections 17310 and 81142.
Reference: Education Code Sections 17300 and 811336.

4-324. Examples and explanations of fee computation.

(a) Filing Fee to Accompany Application.

| | | | |
|----------------------------------|---|----|----------|
| Filing Fee under Schedule 11 | | | |
| Estimated Cost \$8,000 | | | |
| 0.7% × \$8,000 | = | \$ | 56.00 |
| Filing Fee is the minimum charge | | \$ | 250.00 |
| | | | |
| Filing Fee under Schedule 11 | | | |
| Estimated Cost: \$925,000.00 | | | |
| 0.7% × \$925,000 | = | \$ | 6,475.00 |

Filing Fee under Schedule 11
 Estimated Cost: \$1,260,000.00
 0.7% x \$1,000,000 = \$ 7,000.00
 0.5% x \$260,000 = 1,300.00
 \$ 8,300.00

Corrected Estimate under Schedule 11
 Estimated Cost on Application: \$925,000.00
 0.7% x \$925,000 = \$ 6,475.00
 1st Contract \$ 700,000.00
 2nd Contract 525,000.00
 \$1,225,000.00

(Exceeds \$925,000 by more 30%)
 Corrected Estimated Cost: \$1,225,000.00*
 0.7% x \$1,000,000 = \$ 7,000.00
 0.5% x 225,000 = 1,125.00
 \$ 8,125.00

Fee previously paid \$ 6,475.00
 Corrected filing fee due \$ 1,875.00

(b) Further fees where the actual cost exceeds the estimated or corrected estimated cost by more than 5 percent.

Further Fee under Schedule 11.
 Corrected Estimated Cost: \$1,225,000*
 Actual Cost \$1,352,740.50
 0.7% x \$1,000,000.00 = \$ 7,000.00
 0.5% x 352,740.50 = 1,763.70
 \$ 8,763.70

Filing Fee Paid
 0.7% x \$1,000,000 = \$ 7,000.00
 0.5% x 225,000 = 1,125.00
 \$ 8,125.00

Further Fee = \$ 638.70

*The corrected estimated cost could be more than the sum of contracts if all work called for on plans is not yet under contract.

Authority: Education Code Sections 17310 and 81142.
 Reference: Education Code Sections 17300 and 811336.

...

4-325. Billing for further fees. The district shall be billed for further fees upon completion of the project or portion thereof if fee is due. Claims for refunds of \$5.00 or less due to errors in cost reporting or fee computation shall be made within six months from date of billing.

Authority: Education Code Sections 17310 and 81142.
 Reference: Education Code Sections 17300 and 811336.

...

ARTICLE 5. CERTIFICATION OF CONSTRUCTION

4-330. Time of beginning construction and partial construction. Construction work, whether for a new school building, reconstruction, rehabilitation, alteration, or addition, shall not be commenced, and no contract shall be let until the school board has applied for and obtained from DSA written approval of plans and specifications.

Construction shall be commenced within one year after the approval of the application, otherwise the approval may be voided. DSA may require that the plans and specifications be revised to meet its current regulations before a renewal of the voided approval is granted. Renewal shall not be granted after a period of four years beyond the initial date of the application approval. The school board may complete all work or proceed with the construction of any part of the work included in the approved plans and specifications with the intent of completing the work later. All work done and materials used and installed must be in accordance with and in conformity to the approved plans and specifications.

An uncompleted building shall not be considered as having been constructed under the provisions of Article 3 or 7 commencing with Sections 17280 and 81130 of the Education Code, respectively. Section 17372 of the Education Code restricts the use of such a building.

4-331. Notices to DSA at start of construction. The architect or registered engineer responsible for the project shall ~~give DSA written notification before construction is started. As soon as a contract has been let, the architect or registered engineer shall furnish to DSA on submit~~ the following documents to DSA within five days of awarding a contract for construction:

- (a) ~~the name and address of the contractor, the contract price, the date on which the contract was let and the date of starting construction (see Section 4-352), Form DSA-102, Contract Information Form, and~~
(Relocated from Section 4-333(b), last paragraph, last two sentences)
- (b) ~~Application for approval of a project inspector or assistant inspector shall be made on Form DSA-5, Project Inspector Qualification Record (see Section 4-341 (d)).~~

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

4-332. Notice of suspension of construction.

(a) When construction is suspended for more than two weeks, the project inspector shall notify DSA [see Section 4-336 (c) 4].

(b) If all construction is suspended or abandoned for any reason for a continuous period of one year following its commencement, the approval of DSA shall become void. DSA may reinstate the approval on the request of the school board.

4-333. Observation and inspection of construction.

(a) **Observation by architect or registered engineer.** The Act ~~provides~~ requires that the observation of the work of construction, reconstruction, rehabilitation, alteration, or addition shall be under the general responsible charge of an architect, structural engineer, or under certain conditions a professional engineer registered in that branch of engineering applicable to the work. (See Section 4-316.)

~~A geotechnical engineer, or his or her qualified representative, shall provide~~ perform special inspection of the observation for placement and compaction of fills, and ~~The geotechnical engineer shall submit verified reports in accordance with Section 4-336 and Title 24, Part 2, Section 1704A.7.1.~~

(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 construction.
2. Inspectors are prohibited from any activities involving the actual performance of construction, or the scheduling, coordination, or supervision of construction contractors for the project.
3. For every project there shall be a project inspector who shall have personal knowledge as defined in Sections 17309 and 81141 of the Education Code of all work done on the project or its parts as defined in Section 4-316. No work shall be carried on except under the inspection of an ~~project~~ inspector approved by DSA. On large

projects adequate inspection may require the employment of one or more approved assistant inspectors in accordance with Section 4-333 (e). The employment of special inspectors or assistant inspectors shall not be construed as relieving the project inspector of his or her duties and responsibilities under Sections 17309 and 81141 of the Education Code and Sections 4-336 and 4-342 of these regulations.

4. The inspector shall be capable of performing all essential functions of the job.

5. The project inspector and any assistant inspector must be approved by DSA for each individual project. An inspector shall not be less than 25 years of age. Prior to being eligible for approval, any project inspector or any assistant inspector ~~must also be DSA-certified.~~ shall establish, to the satisfaction of DSA that he or she:

A. is appropriately certified by DSA per Section 4-333 (c).

(Relocated from 4-333(b), 3rd paragraph, 2nd sentence)

B. An inspector ~~has~~ adequate knowledge and experience to perform the required duties for the project. He or she shall have ~~had~~ at least three years experience in inspection or construction work on building projects of a type similar to the project ~~for which the inspector is applying for approval,~~ and

C. will provide sufficient time on the project to fulfill all inspection responsibilities required by this Code.

(Relocated from 4-333(b), 1st paragraph, last sentence)

6. An approved project inspector may be removed and replaced if the work performed is not in conformance with accepted inspection standards as determined by the school district and the project architect and engineer with the concurrence of DSA. An approved project inspector may also be removed by DSA if the inspection work performed is not in conformance with accepted standards; see Section 4-342.

(Relocated from fourth paragraph of 4-333(b))

(c) Project inspector certification. An inspector becomes DSA-certified by successfully completing a written examination administered by DSA. The examination measures the applicant's ability to read and comprehend construction plans as well as the construction, inspection and testing requirements of the California Building Standards Code. Examinations are given in four classes.

1. A Class 1 certified inspector may be approved to inspect any project.

2. A Class 2 certified inspector may be approved to inspect any project except a project containing one or more new, large structures or additions with a primary lateral-~~load~~force resisting system of steel, masonry or concrete.

3. A Class 3 certified inspector may be approved to inspect projects containing alterations to approved buildings, site placement of relocatable buildings, and construction of minor structures.

4. A Class 4 certified inspector may be approved to inspect projects containing site placement of relocatable buildings and associated site work.

DSA may charge an examination fee to recover reasonable fees and costs.

An applicant for the certification examination or an inspector possessing a valid certificate issued by the Office, shall file name, mailing address or telephone number changes with the DSA headquarters office within 10 working days of that change. The information filed shall include the new and former name, mailing address, or telephone number.

Certification will be valid for a period of four years unless revoked in accordance with Section 3-342(c) or upgraded by achieving certification in a broader Class. Certification may be renewed by attending DSA training classes and passing a recertification examination.

(ed) Special inspection.

1. Special inspection by inspectors specially approved by DSA may be required on ~~masonry construction, glued-laminated lumber fabrication, wood framing using timber connectors, manufactured trusses, epoxy repair of wood or concrete, concrete batching, shotcrete application, prestressed concrete member fabrication or post-tensioning operations, structural steel fabrication, high-strength steel bolt installations, shop and field welding, pile-driving, electrical, and mechanical work.~~ certain types of construction work as described in Title 24, Part 2,

Chapter 17A.

(Relocated from 4-333(b), 6th paragraph, 2nd sentence)

2. DSA may require special inspectors for types of construction in addition to those listed in Chapter 17A of Title 24, Part 2 if found necessary because of the special use of materials or methods of construction.

(Relocated from 4-333(b), 6th paragraph, 1st sentence)

3. DSA may require special inspectors for any ~~shop~~ off-site fabrication procedures that preclude the complete inspection of the work after assembly.

4. Special inspectors shall be in the direct employ of the school district or a testing facility acceptable to DSA (See Section 4-335).

5. A ~~special~~ Special inspectors may be required to be approved by DSA for each individual project prior to performing inspections.

6. A special inspector shall not be less than 25 years of age, shall have had at least three years' experience in construction work or inspection responsibilities on one or more projects similar to the project for which the inspector is applying, shall have a thorough knowledge of the building materials of his or her specialty, and shall be able to read and interpret plans and specifications. DSA may require evidence of the proposed inspector's knowledge and experience by successful completion of a written and/or oral examination by the applicant before approval is granted. DSA may charge a fee to administer such examinations. DSA will maintain a list of special inspectors who have successfully completed an examination by DSA, and continued eligibility to remain on that list will be dependent on demonstrated acceptable performance of duties assigned and/or attendance at continuing education classes.

7. The project inspector may perform special inspections if the project inspector has been specially approved by DSA for such purpose and has the time available to complete the special inspections in addition to project inspection work.

8. The detailed inspection of all work covered by this section is the responsibility of the project inspector when special inspection is not provided (see Section 4-342).

9. Where responsibility for observation of construction for mechanical work and electrical work is not delegated to professional engineers registered in these particular branches of engineering [see Section 4-316 (b)], special mechanical and electrical inspection shall be provided.

(Relocated from 4-333(c), 9th paragraph)

10. Construction work that the special inspector finds not to be in compliance with the approved plans and specifications, and which is not immediately corrected upon notifying the contractor, shall be reported immediately to the project inspector, DSA, the architect, ~~and~~ the structural engineer and the school district.

(Relocated from 4-333(c), 8th paragraph)

11. Special inspectors shall ~~periodically~~ submit reports of inspections ~~within 14 days of the date of the inspection to the school district, DSA, the design professional in general responsible charge of observation, the structural engineer delegated responsibility for design and construction observation of structural portions of the project (when such delegation has been made), and the project inspector.~~ Reports of special inspections performed on-site shall be submitted to the project inspector on the day the inspections were performed. Reports shall include all special inspections made regardless of whether such inspections indicate that the work is satisfactory or unsatisfactory.

12. Special inspection reports shall include a description of all sampling of materials performed and/or witnessed. Reports shall clearly state whether the work was inspected in accordance with the requirements of the DSA approved documents for the project. Reports shall also clearly state whether the work inspected met the requirements of the DSA approved documents.

13. ~~Approved~~ All special inspectors shall submit in a timely manner verified reports as required by Section 4-336 for the special work covered.

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.
15. The acceptance or approval of special inspectors may be withdrawn by DSA if the special inspector fails to comply with any part of this Code or the standards referenced on the approved plans and specifications.

(e) Assistant Inspectors. Assistant inspectors are approved by DSA to assist the project inspectors with the inspection of one or more aspects of the construction. Assistant inspectors must work under the supervision of a Class 1 certified project inspector.

1. On large projects DSA may require the employment of assistant inspectors when the project inspector is not able to provide continuous inspection of all aspects of the construction in a timely manner. When assistant inspectors are required by DSA the project inspector shall remain on-site providing supervision of all assistants during all construction.
2. All assistant inspectors must be approved by DSA prior to performing any inspection work in accordance with Section 4-341(d). Prior to being approved by DSA as an assistant inspector the individual must satisfy all of the following requirements:
 - A. Be certified as a Class 1, Class 2, Class 3 or Class 4 inspector in accordance with Section 4-333 (c).
 - B. Define the type(s) of construction that the assistant will be assigned to inspect.
 - C. Document at least three years of experience in the types of construction that the assistant will inspect. Experience must be obtained in construction or inspection of buildings similar to the buildings for which the individual is applying.
3. The assistant inspector shall establish, to the satisfaction of DSA that he or she meets all of the requirements established in Section 4-333 (b) 5.
4. Failure of the assistant inspector to perform any of the duties specified in this Code may be cause for DSA to take action as outlined in Section 4-342 (c).

4-334. Supervision by the dDivision of the sState aArchitect. During construction, reconstruction, rehabilitation, repair, alteration of, or addition to any school building, DSA, as provided by the Act, shall make such site visits as in its judgment are necessary for proper enforcement of the Act and the protection of the safety of the pupils, the teachers and the public. If at any time as the work progresses, prior to the issuance of the certification of compliance it is found that modifications or changes are necessary to secure safety or to comply with code requirements, DSA shall notify the responsible architect, or responsible structural engineer and school district of the necessity for such modifications or changes.

4-334.1. Stop work order.

(a) Whenever DSA finds any construction work being performed in a manner contrary to the provisions of this code and that would compromise the structural integrity of the building, the Department of General Services, State of California, is authorized to issue a stop work order.

(b) The stop work order shall be in writing and shall be given to the owner of the property involved, or the owner's agent, or the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

(c) Any person who continues working on the cited work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

4-335. Tests.

(a) **General.** Tests of materials are required as set forth in these regulations. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or construction does not conform to the requirements of this code, DSA may require tests as proof of compliance to be made at no expense to DSA. Test methods shall be as specified by this code or by other recognized and accepted test standards. If there

are no recognized and accepted test methods for the proposed alternate, the architect or engineer shall submit written test procedures for review and acceptance by DSA.

(Relocated from 4-335(b), 1st paragraph)

The school board shall, with the advice of the architect or structural engineer, select a testing agency facility acceptable to DSA to conduct the all required tests for the project, and special inspections which are contracted to the testing facility. The testing-agency facility shall be directly employed by the school board and not be in the employ of any other agency or individual.

All tests shall be made by ~~an approved agency~~ a facility acceptable to DSA as described in Section 4-335 (b). Where job conditions warrant, the architect or registered engineer may waive certain tests with the approval of DSA (see Section 4-338 for the process of obtaining DSA approval for changes to approved plans and specifications). A copy of the list of structural tests and inspections prepared by the responsible architect or structural engineer and acceptable to DSA shall be provided to the designated testing ~~agency~~ facility and the project inspector prior to the start of construction.

(b) Acceptable testing facilities. Facilities conducting any testing, sampling, protection, handling, transporting or storage of samples shall be accepted by DSA. A testing facility may apply for DSA acceptance by submitting Form DSA 100, Application for Acceptance of Testing/Inspection Facility, along with supporting documentation to DSA. To qualify for acceptance a testing facility shall:

1. Comply with the requirements of ASTM E-329-07.
2. Conduct all testing and inspection operations under the engineering management of a California registered civil engineer with at least five years of experience in the testing and inspection of building materials.

(Relocated from 4-335(b), 2nd paragraph, 1st sentence)

3. An acceptable testing ~~agency~~ facility shall have management, laboratory and field supervisory personnel with at least five years experience in the inspection and testing of the work and materials of construction.

(Relocated from 4-335(b), 2nd paragraph, 2nd sentence)

4. ~~The~~ An acceptable testing-~~agency~~ facility shall ~~further~~ have adequate facilities, equipment, personnel expertise and technical references to permit the performance of special inspections and testing in compliance with applicable regulations and standards.

DSA will evaluate the testing facility to verify that requirements are met and that engineering managerial and supervisory staff are familiar with Title 24 requirements pertinent to materials testing and special inspection.

(Relocated from 4-335(b), 3rd paragraph)

A letter of acceptance by DSA shall be issued to the testing agency facility and shall state that the testing agency facility has demonstrated that it has met the criteria established by DSA for performance of the special inspection of work and testing of materials. Names of accepted testing facilities shall be posted on the DSA website.

(c) Duration of testing facility acceptance. Acceptance will remain valid for a period of four years unless approval is withdrawn for failure to comply with the requirements of this Code including but not limited to:

1. making changes in management or supervisory personnel, equipment, facility location or other key factors without prior approval of DSA,
2. reporting that materials and/or workmanship meet the requirements of DSA approved documents when they do not,
3. failing to sample, handle and/or test materials as required,
4. providing special inspectors to a project that do not meet the qualification requirements,
5. failing to adequately supervise special inspectors assigned by the lab to the project, or
6. failing to comply with any of the other requirements of this Code or the DSA approved documents for a project.

(d) Fees for testing laboratory evaluation. DSA may charge a fee to cover the costs of evaluating and re-evaluating the testing facility. DSA reserves the right to visit and observe testing facilities.

(be) Performance of tests. Test samples or specimens of material for testing shall be taken by ~~the architect or registered engineer, his or her representative, the inspector, or a representative of the testing agency facility.~~ The

project inspector may, if qualified and other duties permit, be authorized in writing by DSA to sample test specimens. In general samples are selected at random however, if there is reason to believe that specific materials may be defective, sample locations may be selected by the project inspector, architect, structural engineer or DSA representative. In no case shall the contractor or vendor select the sample or specimens.

Sampling, handling, transporting, preparation of samples and ~~tests~~ testing shall be in accordance with the standards as provided for in the approved plans, specifications ~~or~~ and in the applicable building regulations.

Where a sample has failed to pass the required tests the architect or engineer, subject to the approval of DSA, may permit retest of the sampled material.

(ef) **Payments.** The school board shall pay for all tests, but if so specified the amount or a portion thereof may be collected from the contractor by the school board. When in the opinion of the architect or registered engineer, additional tests are required because of the manner in which the contractor executes his or her work, such tests shall be paid for by the school board, but if so specified the amount paid may be collected from the contractor by the school board. Examples of such tests are: tests of material substituted for previously accepted materials, retests made necessary by the failure of material to comply with the requirements of the specifications, and load tests necessary because certain portions of the structure have not fully met specification or plan requirements.

(dg) **Test reports.** One copy of all test reports shall be forwarded to DSA, the architect, the structural engineer and the project inspector by the testing ~~agency~~ facility within 14 days of the date of the test. Such reports shall include all tests made, regardless of whether such tests indicate that the material is satisfactory or unsatisfactory. Records of special sampling operations as required shall also be reported. The reports shall show that the material or materials were sampled and tested in accordance with the requirements of these regulations and with the approved plans and specifications. In the case of materials such as masonry, concrete, or steel, test reports shall show the specified design strength. All reports of test results shall also definitely state whether or not the material or materials tested comply with requirements of the plans and specifications. Reports of test results of materials not found to be in compliance with the requirements of the plans and specifications shall be forwarded immediately to DSA, the architect, the structural engineer and the project inspector.

(eh) **Verification of test reports.** Each testing ~~agency~~ facility shall submit to DSA 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 ~~agency~~ 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 ~~professional California registered civil engineer charged with engineering managerial responsibility for the~~ laboratory 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.

4-336. Verified reports.

(a) **General.** Sections 17309 and 81141 of the Act require that from time to time 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, ~~approved~~ special inspectors, and the contractor shall each make and sign under penalty of perjury, a duly verified report to DSA 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 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 an 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 ~~an~~ 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 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 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. 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. By the architect, registered engineers, project inspector and ~~approved~~ special inspectors at the completion of the project school building.
3. By the architect, registered engineers, project inspector and contractor at the suspension of all work for a period of more than one month.
4. By the project inspector when any building included in the scope of the project is occupied or re-occupied.
- ~~45.~~ By ~~the~~ any architect, registered engineer, project inspector, ~~approved~~ special inspector, or contractor whose services in connection with the project have been terminated for any reason.
- ~~56.~~ At any time a verified report is requested by DSA.

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.

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 noncomplying conditions which have occurred on the project and how they were resolved or brought into 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.

4-338. Addenda and change orders.

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

(b) **Addenda.** Changes or alterations of the approved plans or specifications 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.** Changes or alterations 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)) submitted to and approved by DSA prior to commencement of the work shown thereon. Change orders shall refer to the portions of the approved plans and specifications being changed, shall state the reason for the change and clearly describe the scope of work to be accomplished, and, where necessary, shall be accompanied by supplementary drawings referenced in the text of the change order. Change orders shall be numbered sequentially for easy reference. All 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 by the architect or registered engineer who has been delegated responsibility for observation of the portion of the work of construction affected by the change order.

Change orders shall bear the approval of the school board and shall indicate the associated change in the project cost, if any. One copy of each change order is required for the files of DSA. 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) ~~Preliminary Change Orders. Field Change Documents.~~ In order to expedite construction, ~~preliminary change orders field change documents~~ may be submitted to DSA. ~~Preliminary change orders Field change documents~~ shall meet all the requirements necessary for a change order, with the exception of the approval of the school board and the associated change, if any, in costs. ~~The preliminary change order Field change documents~~ does not require the stamp or seal, but does require the signature of the architect or engineers. Work may proceed in accordance with the approved ~~preliminary change order field change documents.~~

4-339. Final certification of construction. The certification of 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 certification of 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 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 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 compliance will be directed to the school board.

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.

(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 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 ~~agency facility~~ with a complete set of stamped plans, specifications, addenda and change orders 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 and the selection of inspectors and the testing laboratory 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:

the name of the proposed assistant inspector together with an outline of his or her experience and pertinent qualifications. The submittal of the on an Assistant Inspector's Qualification Record (Form DSA-5A), for an assistant inspector, or when required for a special inspector, shall be made a minimum of Form DSA-5A must be submitted at least 10 days prior to the use of the assistant inspector or special inspector on the project.

3. When a special inspector is used:

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

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

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, ~~and~~ Upon completion of a terminating verified report, 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 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 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, and ~~Each architect or engineer shall submit verified reports to DSA 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's, special inspectors, testing facility, the geotechnical engineer, contractor's, and other architect's and engineer's verified reports are submitted as required.~~

(g) **Testing and special inspection program.** The architect or registered engineer in general responsible charge shall establish the extent of the testing and special inspection program ~~of materials~~ consistent with the needs of the particular project (see Sections 4-335 and 4-333 (d)) and shall issue specific instructions to the testing ~~agency~~

facility and special inspectors prior to start of construction. He or she shall also notify DSA as to the disposition of materials noted on laboratory testing, and/or special inspection, reports as not conforming to the DSA approved documents specifications.

4-342. Duties of the project inspector.

(a) **General.** The project inspector shall act under the direction of the architect or registered engineer. The project inspector is also subject to supervision by a representative of DSA.

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

1. **Continuous inspection requirement.** The project inspector must have actual personal knowledge, obtained by personal and continuous inspection of the work of construction in all stages of its progress, that the requirements of the approved plans and specifications are being completely executed.

Continuous inspection means complete inspection of every part of the work. Work, such as concrete work or masonry work which can be inspected only as it is placed, shall require the constant presence of the inspector. Other types of work which can be completely inspected after the work is installed may be carried on while the inspector is not present. In any case, the inspector must personally inspect every part of the work. In no case shall the inspector have or assume any duties that will prevent the inspector from giving continuous inspection. DSA may require verification from the project inspector of time spent at the construction site during all phases of the work.

(Third sentence below is relocated from 4-333 (b), 2nd paragraph, last sentence)

The project inspector may obtain personal knowledge of the work of construction, either on-site or off-site, performed under the inspection of a special inspectors and/or assistant inspectors (Section 4-333), ~~from the reporting of others on testing or inspection of materials and workmanship for compliance with the approved contract documents.~~ The project inspector may obtain personal knowledge that materials used in the construction conform to the DSA approved documents by verifying test reports performed by DSA accepted testing facilities, verifying materials certifications shipped with the materials, or other means as specified in the DSA approved documents and referenced codes and standards. ~~A~~ The project inspector shall, under the direction of the architect and/or engineer, be responsible for monitoring the work of the special inspectors and testing laboratories to ensure that the testing program is satisfactorily completed. The project inspector shall be responsible for supervising the work of all assistant inspectors in accordance with Section 4-333 (e). The exercise of reasonable diligence to obtain the facts shall be required.

2. **Relations with architect or engineer.** ~~The project inspector shall work under the general direction of the architect or registered engineer and under the supervision of DSA.~~ Any uncertainties in the inspector's comprehension of the plans and specifications shall be reported promptly to the architect or registered engineer for interpretation and instructions. In no case shall the instruction of the architect or registered engineer be construed to cause work to be done which is not in conformity with the DSA approved contract documents.
3. **Job file.** The project inspector shall keep a file of approved plans and specifications (including all approved addenda or 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, ~~and 5~~ and 6 referred to in the plans and specifications.
4. **Project inspector's semimonthly reports.** The project inspector shall keep the architect or registered engineer thoroughly informed as to the progress of the work by making semimonthly reports in writing as required in Section 4-337.
5. **Notifications to DSA.** The project inspectors shall notify DSA by email at the following times:
 - A. When construction work on the project is started, or restarted if previously suspended per Item D below.
 - B. At least 48 hours in advance of the time when foundation trenches will be complete, ready for footing forms.
 - C. At least 48 hours in advance of the first placement of foundation concrete and 24 hours in advance of any

subsequent and significant concrete placement.

D. When all work on the project is suspended for a period of more than two weeks.

6. **Construction procedure records.** The project inspector shall keep a record of certain phases of construction procedure including, but not limited to, the following:

A. **Concrete placing operations.** The record shall show the time and date of placing concrete and the time and date of removal of forms in each portion of the structure.

B. **Welding operations.** The record shall include identification marks of welders, lists of defective welds, manner of correction of defects, etc.

C. **Pile Driving Operations.** The record shall include Ppenetration under the last 10 blows for each pile when piles are driven for foundations.

All such records ~~of construction procedure~~ shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. These records shall be made a part of the permanent school records.

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

A. A log documenting all significant communications with the design professionals, contractors, DSA representatives, and other persons involved in the project. Significant communications include, but are not limited to, interpretations, clarifications or directions from the design professionals, issues identified by DSA representatives, directives from the school district, and start notices from the contractor.

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, 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.

C. Copies of all deviation notices, semi-monthly reports, test reports, special inspection reports, contractor's requests for information (RFI), responses to RFIs, interpretations and clarifications from the design professional in general responsible charge, and other applicable documents required to provide a complete record of the construction.

The construction project log shall be kept on the job until the completion of the work and shall be readily accessible to DSA personnel during site visits. The log shall be made a part of the permanent school records.

8. **Deviations.** The project inspector shall notify the contractor, in writing, of any deviations from the approved plans and specifications which are not immediately corrected by the contractor when brought to the contractor's attention. Copies of such notice shall be forwarded immediately to the architect or registered engineer, and to DSA.

Failure on the part of the project inspector to notify the contractor of deviations from the approved plans and specifications shall in no way relieve the contractor of any responsibility to complete the work covered by his or her contract in accordance with the approved plans and specifications and all laws and regulations.

9. **Inspector verified report.** The project inspector shall make and submit directly to DSA verified reports (see Section 4-336). The project inspector shall prepare and deliver to DSA detailed statements of fact regarding materials, operations, etc., when requested.

10. **Performance of duties.** The inspector shall perform all duties and render all services with honesty. Inspectors who fail to carry out their duties in an ethical manner or who engage in illegal activities may be subject to disciplinary action as defined in Section 4-342 (d).

(c) Violations. Failure, refusal, or neglect on the part of ~~the project~~ an inspector to notify the contractor of any work which does not comply with the requirements of the approved plans and specifications, or failure, refusal, or neglect to report immediately, in writing, any such violation to the architect or registered engineer to the school board,

and to DSA shall constitute a violation of the Act and shall be cause for the DSA to take action which may result in the withdrawal of the inspector's approval. The State Architect or designee may take appropriate action as described in Section 4-342(d) when any of the following conditions exist:

1. The inspector has failed to fulfill any of the relevant requirements of this Code.
2. The inspector has been convicted of a crime considered to be substantially related to the qualifications, functions or duties of an inspector in a manner consistent with the public health, safety or welfare.
3. The State Architect has received a factual complaint, or other relevant information regarding the work of an inspector.

(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. Downgrading of the inspector's class of certification.
5. Suspension of the inspector's certification.
6. Withdrawal of the inspector's certification.

(e) Notice of disciplinary actions. Notice of disciplinary action shall specify the grounds for the actions taken.

(f) Criteria for reinstatement. When considering reversal of any disciplinary action taken pursuant to Section 4-342(d), the State Architect or Designee evaluating the reinstatement of an inspector's approval for a project or certification may consider the following criteria:

1. Nature and severity of the act(s) or Offense(s).
2. The time that has elapsed since the commission of the act(s) or offense(s).
3. If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(g) Filing an Appeal.

1. The State Architect or his/her designee has the discretion to immediately order that approval for a project or certification be temporarily invalidated or to seek additional information, pending a final determination by the State Architect or his/her designee pursuant to Section 4-342(c). The decision to temporarily invalidate approval for a project or certification will be made on a case by case basis, as necessary to ensure public health, safety and welfare.
2. State Architect or his/her designee shall provide the appellant with written notice that their approval for a project or certification has been temporarily invalidated as of a specific date or is subject to suspension or denial pursuant to Section 151(a), pending a final determination. The written notice shall include the reasons for the action being taken or investigated, as applicable, and provide a summary of the facts and allegations. Service of the written notice of the proposed action shall be confirmed by certified mail.
3. Written notice of the final determination by the State Architect or his/her designee shall be confirmed by certified mail within 60 days from the initial written notification. The time to render his/her determination may be extended an additional 30 days, as necessary to consider any additional supporting documentation provided to the State Architect relevant to the issue being investigated.
4. An appeal of an action by the State Architect or his/her designee to suspend approval for a project or certification or to deny renewal of a certification must be filed in writing with the Division of the State Architect within 60 days of the date posted on the certified service of the written notice of the final determination from the State Architect.

Unless a hearing is specifically requested as provided in Section 4-342 (d) 6 the appeal will be based on an analysis of the materials available.

5. Within 60 days from the date of receipt of the appeal, the State Architect, or his/her designee shall render his/her determination on the appeal. The time to render the determination may be extended an additional 30 days, as necessary to conclude any research or investigation required, at the discretion of the State Architect or his/her designee.

6. Should an individual submit a written request for a hearing, the State Architect may designate an appropriate hearing officer to conduct the hearing. Written notice of the date and time of the hearing and the reasons for the action being taken or investigated, as applicable, shall be provided to the appellant. The hearing shall be limited in scope to the actions stated in the written notice. The appellant may bring a representative of his/her choice.

7. The appellant shall be notified in writing of the determination made by State Architect or his/her designee regarding the appeal. Service of the written notice of the decision shall be confirmed by certified mail.

8. Any appeal of a decision rendered by the State Architect or his/her designee to rescind approval for a project or certification may be appealed to the Superior Court.

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.

The contractor must notify the project inspector, in ~~advance~~ 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.

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ARTICLE 8. DOCUMENTS AND RECORDS

4-350. Records. The records pertaining to the supervision of the construction of school buildings by DSA are public documents and are open to inspection during office hours. Documents shall not be taken from the custody of DSA except as required by law. Examination reports prepared under the provisions of Sections 17313 and 81145 of the Act (See Section 4-345) are considered to be the property of the school board. Inquiries regarding examination reports shall be referred to the school board concerned.

4-351. Location of records. A file of school building plans, specifications and documents for currently active school projects in each of four regions of the state is maintained in the respective DSA regional office: Oakland (Region 1), Sacramento (Region II), Los Angeles (Region III) and San Diego (Region IV). Completed or closed project records including files, plans and specifications are stored in the State Records Center in Sacramento or in electronic format at the regional offices.

4-352. Submission of documents.

(a) **Application.** Applications for approval of plans and specifications shall be submitted to the DSA regional office serving the project location unless specific approval for submittal elsewhere is given by the state architect. Processing shall be completed by the receiving office but portions of the work may be reassigned.

(b) **Construction documents.** All documents such as notices (see Section 4-331), qualification records (see Section 4-333 and 4-341), test reports (see Section 4-335), special inspection reports (see Section 4-333), and verified reports (see Section 4-336), and semi-monthly reports (see Section 4-337) shall be submitted to the appropriate DSA Regional Office according to location of project.