



Breaking Ground

The OPSC/DSA Connection to California School Districts

State of California • Department of General Services

A PUBLICATION OF THE DIVISION OF THE STATE ARCHITECT AND THE OFFICE OF PUBLIC SCHOOL CONSTRUCTION

SPRING 2006

a letter from

David F. Thorman and Luisa M. Park



The Spring 2006 edition of the *Breaking Ground* newsletter is here. This joint publication by the Office of Public School Construction (OPSC) and the Division of the State Architect (DSA) is featuring again the requirement of obtaining DSA approval of the plans and specifications for your new construction or modernization projects before signing a construction contract. There have been many questions regarding the requirements set forth in Statute regarding this topic and we want to provide clarity for all involved in the building of California schools.

Time is running out to file your application for the School Facility Joint-Use Program. The final filing date to file your application with the OPSC is May 31, 2006. This article provides helpful reminders on how to file a Type I or Type II Joint-Use project with the OPSC. Please read this article which is featured on page 3.

The DSA has recently announced the formation of its DSA Academy, providing classes for architects, engineers, and other design professionals. The classes are designed to promote consistent knowledge and education of the codes and regulations required for the design and construction of public schools. To learn more about the new DSA Academy, please see page 4.

A special insert is included in this edition. It is the OPSC Annual Customer Service Satisfaction Survey that allows our customers to provide us with feedback on how we are doing. The OPSC appreciates all of you that participate in this process. Your comments over the years have been very helpful and allow the OPSC to continue providing the best customer service possible. The deadline to submit your survey is May 5, 2006.

We hope this edition will be informative and useful for all of you who are involved in the building of public school facilities in California. In addition, we want to thank all of you that have taken the time to provide us with feedback on our joint newsletter. We welcome your input. Contact *Breaking Ground* with your comments at breaking.ground@dgs.ca.gov.

A handwritten signature in black ink that reads "David F. Thorman".

David F. Thorman
State Architect, Division of the State Architect

A handwritten signature in black ink that reads "Luisa M. Park".

Luisa M. Park
Executive Officer, Office of Public School Construction

OPSC Reminders...

2006 State Allocation Board Meetings*

- » Wednesday, May 24
- » Wednesday, June 28
- » Wednesday, July 26

2006 Implementation Committee Meetings*

- » Friday, May 5
- » Friday, June 2
- » Friday, July 7

* Meeting dates, times and locations are subject to change. For the latest meeting information, check the OPSC Web site at www.opsc.dgs.ca.gov.

DSA Reminders...

DSA AB Committee Meetings

- » Access Committee – May 3 & 4 and May 10 & 11, Sacramento DSA HQ (video conferencing at DSA Offices in Oakland, LA, and San Diego)
- » Excellence Committee – May 31, Oakland DSA
- » Emergency Preparedness Committee – June 7 (location tbd)
- » Inspection & Testing Committee – June 13 (Sacramento)
- » Policies & Procedures Committee – July 19, San Diego (location tbd)
- » Code & Standards Committee (meeting date & location tbd)

DSA Advisory Board Meetings

- » July 19 – San Diego (location tbd)
- » October 12 & 13 – Annual Planning Session & Meeting (location tbd)

DSA Academy

- » Access Plan Review Training – May 23 & 24 in Sacramento
- » Project Inspector Overview Training – June 16 & 17 in Ontario
- » Structural Plan Review Training – July 18 & 19 in Sacramento
- » Project Inspector Overview Training – August 18 & 19 in Ontario
- » Fire & Life Safety Plan Review Training – August 22-24 in Sacramento

Please visit the DSA Academy website at www.dsa.dgs.ca.gov/academy for details and registration materials.

2006 Project Inspector Exams

- » June 21 – Sacramento & Ontario
- » September 13 – Sacramento & Ontario
- » December 13 – Sacramento & Ontario

2006 Project Inspector Re-Certification Exams

- » May 10 – Sacramento
- » August 2 – Ontario
- » November 8 – Ontario

Please refer to DSA's webpage, "Recent DSA News"...for info. re: these & other public meetings on the horizon.

Contract Requirements for State Funding

BY DON LITTLEFIELD

Please see other related article by Dan Levernier titled "Reminder: DSA Approval Requirement" on page 4.

In the last edition of the Breaking Ground Newsletter, Summer 2005, the OPSC and the DSA highlighted the importance of obtaining DSA approval of the plans and specifications for your new construction or modernization project before signing the construction contract in order to receive funding by the SAB. However, there has been confusion regarding the issue of signing construction contracts prior to receiving DSA written approval of the plans and specifications. The confusion appears to have developed out of a misinterpretation of certain Education Code (EC) Sections, specifically: EC Section 17307 and EC Section 17267, and Section 4-318 of Part 1, Title 24. The following paragraphs provide clarification of these statutes:

EC Section 17307 Section 17307 is pertinent to the DSA's review and approval of the working drawings. In broad terms, Section 17307 states that school construction plans, specifications and estimates must receive written DSA approval prior to a district entering into a contractual agreement for construction in order to be eligible for State funding assistance.

Section 4-318 of Part 1, Title 24 The DSA shall issue to the school district a letter approving the application for the project upon receipt of the stamped file copies of 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 any contract.

To summarize these provisions, there is a requirement for districts to obtain written DSA approval of their plans and specifications, which is the date of the DSA final plan approval letter. This letter is issued by the DSA after receipt of the file set of drawings. This means that the date-stamped approval on plans and specifications does not suffice as the required written approval. The date of the DSA approval letter will be considered the valid approval. Please note, the OPSC is requiring as of October 1, 2005 districts to submit the DSA approval letter with their plans and specifications in order to be considered a complete application for new construction and modernization funding.

At the April 26, 2006 SAB meeting, the OPSC presented an item to advise the SAB and to seek direction on this issue. The SAB adopted this Board item that will allow for a grace period under certain circumstances to assist in facilitating the processing of funding applications. Please watch for a future SAB Advisory article for more details on the SAB's direction.

Should you have any questions regarding this topic, please consult your OPSC Project Manager.

The OPSC Launches Its Redesigned Website!!!

BY LISA JONES

The Office of Public School Construction (OPSC) has recently redesigned its Website in an effort to provide improved and efficient service for our external and internal customers in locating information on the Website. The Web pages are categorized by program with the School Facility Program being the primary. All other programs such as Charter, Joint-Use, Critically Overcrowded Schools, Emergency Repair Program, etc., are individually set up with their own pages. This will result in improved communication between the OPSC and our customers. We are encouraging feedback on an on-going basis in order to provide continuous improvement to the Website so please contact your Project Manager or contact Ms. Lisa Jones via e-mail at lisa.jones@dgs.ca.gov. We are at your service!

SFP Joint Use

BY BRIAN LAPASK

Once again, it's that time of the year where districts are revving up their joint-use projects and getting ready for submittal to the OPSC. There is \$32.1 million left for joint-use projects for the current funding cycle. This year's funding cycle may represent the last cycle for joint-use projects from Proposition 55 funds, as the OPSC expects to apportion most, if not all, of the remaining funds. Here are a couple of things to keep in mind as the May 31, 2006, deadline for funding approaches.

For projects that will be Type I applications and part of a School Facility Program (SFP) new construction project, remember that each Type I joint-use project must be submitted concurrently with the qualifying SFP new construction project in order to be eligible for funding. Division of State Architect (DSA) approval of the plans is required prior to submitting both Type I joint-use and new construction applications. Therefore, if you have plans that have not yet gone to the DSA they will need to be submitted quickly. For these Type I projects linked to SFP new construction projects, it will be helpful to the DSA if you include a cover letter or some other sort of flag to alert them that the plans are part of a SFP Joint-Use project and will need approval prior to the May 31, 2006, deadline to apply. The DSA will be working with districts in need of quick approvals, provided they are aware that it is part of a SFP Joint-Use project submittal.

For joint-use projects that will be Type II, or "stand alone" applications, districts may submit applications with preliminary plans. Final DSA and California Department of Education (CDE) approvals are required to be submitted to the OPSC no later than one year from the date each Type II application is apportioned.

Here is a checklist of all required documentation upon submittal to the OPSC of your joint-use applications.

For Type I Applications:

- » Completed Application for Joint-Use Funding (Form SAB 50-07)
- » Final DSA approved plans and specifications
- » CDE Plan Approval letter
- » Cost Estimate of proposed site development, if requesting site development funding
- » Cost Estimate to construct the joint-use project, if the district is requesting Extra Cost funding pursuant to Section 1859.125.1
- » Joint-Use Agreement, that complies with the requirements of Education Code Section 17077.42

For Type II Applications:

- » Completed Application for Joint-Use Funding (Form SAB 50-07)
- » Final DSA approved plans and specifications if the Joint-Use project will be part of a qualifying SFP modernization project, or preliminary plans if the joint-use project will not be part of a qualifying SFP modernization project
- » CDE Plan Approval letter
- » Cost Estimate for proposed site development, if requesting site development funding
- » Joint-Use Agreement, that complies with the requirements of Education Code Section 17077.42

If you have more questions about your joint-use project you can contact one of the following OPSC project managers to assist you in the process; Brian LaPask at 916.327.0298 or via email at brian.lapask@dgs.ca.gov, Randy LaBorde at 916.322.9449 or via email at randy.laborde@dgs.ca.gov.

Attorney General's Opinion on Piggyback Contracts for Modular Buildings

BY REGINA BILLS-DACONG (FOR ADVISORY ACTIONS)

The OPSC received a formal opinion from the Attorney General on January 24, 2006. In the Opinion, the Attorney General analyzes the piggyback contract provisions and the bidding requirements of the PCC and concludes "that a school district may not, without advertising for bids, contract with another public agency to acquire factory-built modular building components for installation on a permanent foundation." It is important to note that the Attorney General's opinion is in regard to modular building components, as described above, and does not address portable or relocatable classrooms as defined by Education Code Section 17070.15(j).

At the September 2004 State Allocation Board (SAB), the Board requested the Office of Public School Construction (OPSC) to develop a report on the issue of piggyback contracts. The term "piggyback" is associated with the Public Contract Code (PCC) Section 20118, which allows public entities to acquire personal property by participating in an existing contract of another public entity. The Board was concerned that districts might have been bypassing the bidding process required in the PCC Section 20111, so the OPSC was asked to explore the process by which school districts were using piggyback contracts as a delivery method to acquire and install factory-built modular building components that resulted in permanent State-funded school facilities.

Staff responded to the request by presenting reports to the SAB at the December 8, 2004 and February 23, 2005 meetings. In the reports, staff clarified the difference between portable buildings and modular facilities: portable buildings are typically built in a factory setting as two complete building modules that are connected on-site. Modular buildings, in contrast, are typically comprised of multiple pre-manufactured building components that are transported to a site and placed on permanent foundations. In addition, staff provided the Department of General Services' legal opinion that the piggyback statute was not applicable to the construction of modular facilities on a permanent foundation. The SAB accepted the reports and requested at the December 8, 2004 meeting that staff obtain a formal opinion from the Attorney General.

The Board at its February 22, 2006 meeting accepted the Attorney General's opinion and directed Staff to provide additional notices to ensure that school districts are aware that all contracts for permanent modular construction signed after January 25, 2006 must be competitively bid in order to receive funding consideration by the Board. However, the Board indicated that projects that have construction contracts signed prior to January 25, 2006 will still be considered for funding.

To read the Opinion in full, please access the Attorney General's website at <http://www.ag.ca.gov/opinions/published/05-405.pdf>. If you have any questions concerning the impact of this Opinion on your projects, please contact your project manager.

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Editorial Group: **Lisa Constancio, OPSC; Dan Levernier, DSA; Carol Shellenberger, OPSC; Elena Tarailo, DSA**

Layout and Design: **Office of Public School Construction**

Send your comments to *Breaking Ground* at: breaking.ground@dgs.ca.gov

DSA • 1102 Q Street • Suite 5100 • Sacramento, CA 95814
OPSC • 1130 K Street • Suite 400 • Sacramento, CA 95814

Reminder: DSA Approval Requirement

BY DAN LEVERNIER

As a reminder the law requires a school district to obtain written approval of the plans from the Division of the State Architect (DSA) prior to signing a construction contract for the construction or alteration of any school building. The official DSA plan approval date is the date of the DSA approval letter which is issued when a copy of the stamped plans and specifications is received by DSA and not the date the plans were stamped. Construction contracts signed prior to the date on the DSA approval letter may jeopardize state funding for these projects.

The only exceptions to the above are for relocatable buildings and Design-Build projects. For these projects no fabrication, construction or alteration shall commence prior to obtaining the written approval of the plans from DSA.

For more information please see the previous *Breaking Ground* newsletter: Summer 2005 Issue at www.dsa.dgs.ca.gov/Publications.

DSA Academy

BY DEBORAH FURLOW

The Division of the State Architect (DSA) recently announced the formation of its DSA Academy, offering classes for architects, engineers, school project inspectors and other professionals involved in the design and construction process.

The Academy's main objective is to promote consistent knowledge and application of the codes and regulations needed for successful plan review, approval, and construction of buildings under DSA's jurisdiction.

As California's policy leader for building design and construction, the Division of the State Architect provides design and construction oversight for K–12 schools and community colleges, and develops accessibility standards used in both public and private buildings. With such an important mission, DSA needed an integrated approach to educating the many professionals—in both the public and private sectors—involved in these areas. The DSA Academy was the result.

In April, the DSA Academy begins offering its newly designed "Project Inspector Overview" class, a 2-day class for school project inspectors. Later this year, the Academy will begin introducing classes in Plan Review, expanded Project Inspector topics, Accessibility and more.

For more information visit the DSA Academy website at www.dsa.dgs.ca.gov/academy.

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