

# CONSTRUCTION PHASE DUTIES OF THE SCHOOL DISTRICT, CONTRACTOR, AND DESIGN PROFESSIONAL

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<b>Disciplines:</b> Structural	<b>History:</b> Revised 12-02-16 Revised 07-17-13	Revised 08-09-12 Issued 11-03-08
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**PURPOSE:** This Interpretation of Regulations (IR) provides guidance to school districts regarding contracts for construction of school facilities. Specifically, this IR identifies the duties of the school district, designer and the construction contractor with regard to the construction phase of the project.

In addition to this IR, DSA procedure [PR 13-01](#) (Construction Oversight Process) provides information regarding duties of the school district, design professional, inspectors, contractor and Laboratory of Record for the construction phase of the project and administration of the Project Inspection Card (form [DSA 152](#)). PR 13-01 applies to all projects with a construction start date on or after June 1, 2013, and should be reviewed by all parties involved.

**GENERAL:** The school district may contract with construction managers or other entities for assistance with monitoring the design and/or construction process. Construction phase duties that must be performed by specific entities per Title 24, Part 1 are listed in this IR.

## 1. DUTIES OF THE SCHOOL DISTRICT:

**1.1 Design:** The school board shall employ (or contract to) a qualified architect or structural engineer to be in general responsible charge of the design of the project. The designer shall not perform construction nor share any interest with any entity performing construction.

### Exceptions:

1. When the project involves no structural or architectural construction, a qualified engineer registered in that branch of engineering applicable to the work may be in general responsible charge of the project (see Title 24, Part 1, Section 4-316).
2. The design professional need not be independent of the builder when the design/build requirements of Education Code Sections 17250.10 - 17250.50 are met.

**1.2 Inspection:** The school board shall provide for and require competent, adequate and continuous inspection by a DSA certified project inspector. See DSA [IR A-7](#) (Project Inspector Certification and Approval), DSA [IR A-12](#) (Assistant Inspector Approval), and DSA [IR A-8](#) (Project Inspector and Assistant Inspector Duties and Performance). The expense of inspections by the project inspector and, when required, all assistant and/or special inspectors, shall be paid for by the school board.

The project inspector and any assistant inspectors must be employed in one of the following capacities:

- Contracted directly to the school board.
- Directly employed by the school board.
- Employed by or contracted to an entity providing only inspection services to the school district.

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The project inspector shall not have any current employment relationship with any entity which is a contracting party for the construction or any entity providing any services for the school district except for services directly related to project inspection.

Special inspectors may only be contracted directly to (or employed by) the school board or a testing laboratory acceptable to DSA.

**1.3 Testing:** The school board shall contract directly with a testing laboratory for the performance of structural tests as defined by the DSA-approved plans and specifications and summarized on form [DSA-103](#) (Listing of Structural Tests and Special Inspections). The testing laboratory must be accepted by the DSA Laboratory Evaluation and Acceptance program. Note that the school board may collect the cost of certain tests from the contractor in accordance with Title 24, Part 1, Section 4-335. ←

**1.4 Soils Investigations and Testing:** The school board shall contract directly with a California registered geotechnical engineer for the performance of soils and geologic investigations (for design) when required. During construction, the school board shall contract directly with a DSA accepted testing laboratory which employs or contracts with a registered geotechnical engineer for soils testing. ←

**1.5 Statement of Final Actual Project Cost:** The school district shall submit a Statement of Final Actual Project Cost (form [DSA 168](#)) to DSA upon completion of construction shown on the DSA-approved construction documents (see Title 24, Part 1, Section 4-339). See [IR A-23](#) (Construction Cost Reporting and DSA Fees) for definitions of “construction costs.” |

**2. DUTIES OF THE DESIGN PROFESSIONAL:** The architect or engineer in general responsible charge of the project is responsible to see that completed construction conforms to plans and specifications approved by DSA and shall perform the following duties:

**2.1 Prior to Start of Construction:**

- Prepare drawings and specifications for construction.
- Prepare a Listing of Structural Tests and Special Inspections (form DSA-103).
- Obtain DSA approval of drawings, specifications, and form DSA-103 prior to the issuance of any contracts for construction.
- Review and evaluate the qualifications and experience of the testing laboratory, project and assistant inspectors as well as any independently contracting special inspectors prior to employment. |
- Advise the school district on the selection of the inspectors and testing laboratory for the project.
- Submit to DSA a Project Inspector Qualification and Approval form ([DSA 5-PI](#)) for the project inspector; an Assistant Inspector Qualification and Approval form ([DSA 5-AI](#)) for the assistant inspector and, when required, a Special Inspector Qualification and Approval form ([DSA 5-SI](#)) for each special inspector employed directly by the school district.
- Submit a Construction Start Notice/Inspection Card Request (form [DSA 102-IC](#)) to establish communication links and obtain Project Inspection Cards (form DSA 152). ←

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- Provide DSA-approved documents, including the Listing of Structural Tests and Special Inspections (form DSA-103), addenda, deferred submittals and Construction Change Documents (CCD) (see [IR A-6](#) [Construction Change Submittal and Approval Process]) to the project inspector and the testing laboratory.

### **2.2 During Construction:**

#### **2.2.1 Observe Construction:**

- Make observations of construction as required by Title 24, Part 1, Section 4-333(a). Also, see Section 4-316(b) regarding delegation of responsibility.
- Verify that the DSA-approved documents are being properly interpreted and implemented by all parties and that construction is proceeding in accordance with the DSA-approved construction documents.

#### **2.2.2 Construction Administration:**

- Review and respond in a timely manner to “requests for information” (RFIs) from the contractors, inspectors, and testing laboratories.
- Evaluate non-conforming construction and/or materials and make decisions regarding acceptability and/or corrections required; notify DSA as to the disposition of all non-conforming construction and/or materials.
- Provide general direction to the project inspector and notify the school board and DSA by letter if the project inspector is found unable or unwilling to perform their duties.
- Respond in a timely manner to construction issues identified by DSA and the project design team.
- Submit interim verified reports (form DSA 6-AE) as described in DSA PR 13-01.

#### **2.2.3 Interpretations, Clarifications and Changes:**

- Issue clarifications and/or interpretations of DSA-approved construction documents as required.
- Submit all addenda, deferred submittals and CCDs to DSA for approval.
- Issue CCDs, in accordance with IR A-6, to address any material changes to the DSA-approved documents.

### **2.3 At the Conclusion of Construction:**

- Submit a final verified report on form [DSA 6-AE](#) (Architect/Engineer Verified Report).
- Administer the closing process by verifying that all required documents are submitted to DSA, responding to the [DSA 301-N](#) (Notice of Requirements for Certification) letter, and taking such actions that may be necessary to ensure that all required documents are submitted to DSA in a timely manner.

## **3. DUTIES OF THE CONSTRUCTION CONTRACTOR:**

### **3.1 Preparation for Construction:**

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Provide a written construction schedule to the architect and project inspector in advance of performing the work, and inform the architect and project inspector of any changes to the schedule.

### 3.2 Performance of Construction:

- Perform all construction in accordance with DSA-approved documents.
- Provide quality control of all work including the work of all subcontractors.
- Immediately respond to any deviation notices issued by the project inspector.
- Notify the project inspector, special inspectors, and the Laboratory of Record (LOR) of the start of each and every aspect of the construction.
- Provide access to the construction for all inspectors, testing laboratory personnel and DSA representatives.
- Submit a final verified report on form [DSA 6-C](#) (Contractor Verified Report).

**4. DUTIES OF THE PROJECT INSPECTOR:** See IR A-8 and Title 24, Part 1, Section 4-342 for the duties of the project inspector.

**5. DUTIES OF CONSTRUCTION MANAGER:** See [IR A-3](#) (Construction Management Procedures for Public School Projects) for a description of construction manager services.



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### REFERENCES:

California Code of Regulations (CCR) Title 24

Part 1: California Administrative Code

Sections 4-315, 4-316, 4-333, 4-335, 4-336, 4-338, 4-341, 4-342, and 4-343

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This administrative Interpretation of Regulations (IR) is intended for use by the Division of the State Architect (DSA) staff, and as a resource for design professionals, to promote more uniform statewide criteria for plan review and construction inspection of projects within the jurisdiction of DSA, which includes State of California public elementary and secondary schools (grades K-12), community colleges, and state-owned or state-leased essential services buildings. This IR indicates acceptable practices as stipulated in the California Administrative Code (Title 24, Part 1) and aligning with DSA policies and procedures.

This IR is reviewed on a regular basis and is subject to revision at any time. Please check DSA's website for currently effective IRs. Administrative and technical IRs are listed on the website at: <http://www.dgs.ca.gov/dsa/Resources/IRManual.aspx>