

DSA HOURLY FEE SERVICES**Disciplines:** All**History:** Revised 11-15-16
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Purpose: This Interpretation of Regulations (IR) provides clarification of specific Code requirements relating to the Division of the State Architect's (DSA's) services that are subject to the hourly fee charged to the kindergarten–12th grade public school district, community college district or state agency as part of DSA plan review and construction oversight.

DSA applies the hourly fee for review and approval of the following items submitted to DSA:

- 1) Changes to DSA-approved construction documents.
- 2) Pre-application for rehabilitation of existing, nonconforming buildings.
- 3) Examination of buildings by DSA upon request by a school district.
- 4) Pre-check designs.

Fee Amount: The amount charged by DSA for services outlined below shall be in accordance with published rates. The fee amount shall be set to cover the costs incurred by DSA in carrying out its responsibilities on the date of services rendered. Effective May 1, 2013, through December 31, 2016, the fee is \$170 per hour. Effective January 1, 2017, the fee will be \$215 per hour. Beginning in 2018, the fee will be adjusted annually using the first January issue of *Engineering News-Record's U.S. 20 City Construction Cost Index*.

1. CHANGES TO DSA-APPROVED CONSTRUCTION DOCUMENTS: Upon filing of an application for DSA review of construction documents (i.e., plans, specifications, and related documents), a district submits an application fee to DSA based on the percentage of the estimated cost of the project construction. Changes to construction documents after DSA approval are subject to the hourly fee, as defined above.

1.1 Revisions to DSA Approved Documents: Revisions are changes to DSA-approved construction documents made after DSA approval and prior to start of construction. Revisions must be submitted to, and approved by, DSA, and are billed at the hourly fee.

1.2 Addenda: Addenda are changes to the DSA-approved construction documents made during the bidding phase and prior to letting a construction contract for the work involved. DSA services for review of addenda are subject to the hourly fee.

1.3 Construction Change Documents (CCD): After a contract for the work has been let (typically, during construction), changes to the approved construction documents shall be made by means of CCD. It is the responsibility of the design professional in general responsible charge to determine those changes which affect the Structural, Access, or Fire & Life Safety portions of the project, as these changes must be submitted to DSA for review and approval (see [DSA IR A-6](#)).

The design professional in responsible charge shall prepare the CCD, and is responsible for code and process compliance. The DSA hourly fee applies to time incurred by DSA staff for review and approval of submitted CCD.

1.4 Determination of Final DSA Fees at Project Completion: When a construction project is completed, the district must file a Statement of Final Actual Project Cost (form [DSA 168](#)) to determine whether any further fees are owed based on the difference between the estimated cost of construction used to determine initial application fees and the final cost of construction.

For a construction project with CCDs, addenda, and/or revisions submitted to and approved by DSA, the amount of hourly charges made will be taken into account in determining whether any further fees are due. The further fee will be based on the

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greater of initial filing fee plus hourly billings, or the statutory fee based on the final actual project cost. The following are examples for determination of fees due to DSA at project completion.

Example #1

			Required Fees	Fees Paid	Further/CCD Review Fees Due
1	Estimated Project Cost (Structural) and Application Fee	\$7,000,000	\$43,000		
2	Fees Paid to DSA			\$43,000	
3	Original Construction Contract Amount and Construction Management Amount (DSA 168, lines 1 and 3) and Fee	\$9,000,000	\$55,000		\$12,000
4	Increases to contract amount (change orders & used allowances/contingencies, DSA 168, line 2) and Fee	\$1,000,000	\$6,000		\$6,000
5	Total Statutory Fee Due				\$18,000
6	# of CCD Review Hours at \$215 per hour rate and calculated CCD Review Cost	32 hours	\$6,880		
7	Line 6 minus Line 4 (not less than zero)		\$880		\$880
8	Total Amount Due DSA Line 5 plus Line 7				\$18,880

The original construction contract amount and construction management amount of \$9,000,000 plus increases to contract amount of \$1,000,000 totals \$10,000,000, resulting in \$18,000 further fee due. Calculated CCD review cost of \$6,880 minus the \$6,000 fee associated with the increase to contract amount on Line 4, results in a net CCD review fee due of \$880. Total amount due to DSA at the completion of the project is \$18,880.

Example #2

			Required Fees	Fees Paid	Further/CCD Review Fees Due
1	Estimated Project Cost (Structural) and Application Fee	\$7,000,000	\$43,000		
2	Fees Paid to DSA			\$43,000	
3	Original Construction	\$9,000,000	\$55,000		\$12,000

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	Contract Amount and Construction Management Amount (DSA 168, lines 1 and 3) and Fee				
4	Increases to contract amount (change orders & used allowances/contingencies, DSA 168, line 2) and Fee	\$1,000,000	\$6,000		\$6,000
5	Total Statutory Fee Due				\$18,000
6	# of CCD Review Hours at \$215 per hour rate and calculated CCD Review Cost	32 hours	\$6,880		
7	# of CCD Review Hours at \$170 per hour rate and calculated CCD Review Cost	16 hours	\$2,720		
8	Total CCD Review Cost		\$9,600		
9	Line 8 minus Line 4 (not less than zero)		\$3,600		\$3,600
10	Total Amount Due DSA Line 5 plus Line 9				\$21,600

The original construction contract amount and construction management amount of \$9,000,000 plus increases to contract amount of \$1,000,000 totals \$10,000,000, resulting in \$18,000 further fee due. Calculated CCD review cost of \$9,600 minus fees associated with increases to contract amount of \$6,000 (Line 4), results in a net CCD review fee due of \$3,600. Total amount due to DSA at the completion of the project is \$21,600.

Example #3

			Required Fees	Fees Paid	Further Fees Due
1	Estimated Project Cost (Structural) and Application Fee	\$7,000,000	\$43,000		
2	Fees Paid to DSA			\$43,000	
3	Original Construction Contract Amount and Construction Management Amount (DSA 168, lines 1 and 3) and Fee	\$9,000,000	\$55,000		\$12,000
4	Increases to contract amount (change orders	\$1,000,000	\$6,000		\$6,000

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	& used allowances/contingencies, DSA 168, line 2) and Fee				
5	Total Statutory Fee Due				\$18,000
6	# of CCD Review Hours at \$215 per hour rate and calculated CCD Review Cost	25 hours	\$5,375		
7	Line 6 minus Line 4 (not less than zero)		\$0		\$0
8	Total Amount Due DSA Line 5 plus Line 7				\$18,000

The original construction contract amount and construction management amount of \$9,000,000 plus increases to contract amount of \$1,000,000 totals \$10,000,000, resulting in \$18,000 further fee due. Calculated CCD review cost of \$5,375 minus the \$6,000 fee associated with the increase to contract amount on Line 4 (not less than zero), results in a net CCD review fee due of \$0. Total amount due to DSA at the completion of the project is \$18,000.

Example #2 reflects CCD review hours as having been invoiced and paid, and Example #3 reflects CCD review hours posted as a statement for review and not being paid resulting in the billing.

1.5 Determination of Final DSA Fees for Voided/Canceled Projects: When a construction project is canceled/voided, DSA will reconcile costs to determine the amount of refund due.

Project Status	Refund	Other Adjustments
Plan review has not started	100% Structural/FLS and Access	Not applicable
Plan review started (not approved)	Structural/FLS - 30%; Access - 0%	Not applicable
Project approved and construction not started	Structural/FLS – 30% reduced for other adjustments upon request; Access – 0% and other adjustments may be applicable	Charges for revisions, addenda, and CCD's are applicable and may be due or reduced from the refund
Construction started	Structural/FLS – 0% and Access – 0%	Charges for revisions, addenda, and CCD's are applicable and reconciled similar to completed project

No refund is allowed for projects for which only the minimum fee has been paid or for which only an increment was voided.

2. PRE-APPLICATION FOR REHABILITATION OF EXISTING NONCONFORMING BUILDING: When a district proposes to convert an existing nonconforming building for use as a

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school building, Title 24, Part 1, Section 4-307, requires that the building be retrofitted for compliance with the standards contained in Title 24, current effective edition. The code requires that a pre-application for the rehabilitation project be submitted to DSA, including an evaluation and design criteria report in which the design professional(s) propose the methodologies for evaluation and design, and determine acceptance criteria for nonconforming construction. The pre-application is subject to an initial fee deposit and subsequent hourly charges in the event that the costs incurred by DSA for review and approval exceed the initial fee deposit amount.

For more information on the pre-application process, refer to form [DSA 1-REH](#) and DSA publication, [Rehabilitation of Existing Non-Conforming Buildings for Public School and California Community College Use](#).

3. EXAMINATION OF BUILDINGS BY DSA UPON REQUEST BY A SCHOOL DISTRICT:

Title 24, Part 1, Section 4-345, outlines the process by which a district may request DSA to examine a school building and report on whether the building is compliant with applicable codes. In addition, a district may retain a structural engineer to examine and report on the structural condition of any school building and consult with DSA in performing this evaluation. The cost of DSA services in relation to these activities is subject to the actual expense incurred by DSA, based upon the established hourly fee.

4. PRE-CHECK SUBMITTALS: The Pre-Check (PC) submittal process provides for DSA approval of the design of a structure in advance of submittal for specific school campus construction projects. The PC submittals are typically used for the design of commonly used structures, such as relocatable buildings, shade structures, light poles, solar photovoltaic systems, and cellular towers.

A fee deposit is required when a new or revised PC project is submitted to DSA for review. Final fees are charged based on the number of hours used to perform the review at the established hourly fee. If additional fees are required, payment must be received before PC plans are approved.

For more information on the PC submittal process, refer to [PR 07-01](#) (*Pre-Check Approval Process*).

REFERENCES:

California Code of Regulations (CCR) Title 24
Part 1: California Administrative Code, Section 4-307, 4-323, 4-338, 4-326, and 5-106
California Education Code, Sections 17300, 17352, 81133, and 81142
Government Code, Section 4454

This 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 (CCR, 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 the DSA website for currently effective IRs. Only IRs listed at <http://www.dgs.ca.gov/dsa/Resources/IRManual.aspx> at the time of plan submittal to DSA are considered applicable.

Administrative IRs are effective upon publication. Questions regarding the effect for existing projects can be directed to the DSA regional office with plan review and construction oversight authority for the project.