



Photo courtesy of Lionakis Beaumont Design Group

On Track for Another Successful Round of Funding

The OPSC is delighted to report that the second Priorities in Funding round is on track to being as successful as the first. As a continuation of the second Priorities round, additional apportionments totaling \$40.6 million were approved at the February 23, 2010 State Allocation Board meeting for 18 projects.

[read more...](#)

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EDMUND G. BROWN, JR.
Governor, State of California

SCOTT HARVEY
Acting Director, Department of General Services



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STAFF TO THE STATE ALLOCATION BOARD

On Track for Another Successful Round of Funding



Lisa Silverman
Acting Executive Officer

The OPSC is delighted to report that the second Priorities in Funding round is on track to being as successful as the first. As a continuation of the second Priorities round, additional apportionments totaling \$40.6 million were approved at the February 23, 2010 State Allocation Board (SAB) meeting for 18 projects. If your district has received an apportionment under the second Priorities in Funding round, please keep in mind that your deadline for submitting a fund release request depends on the date your apportionment was granted:

December 15, 2010 SAB meeting:

442 State apportionments were made under the second Priorities in Funding round. To date, fund release requests have been submitted for 305 projects, or 69 percent. The remaining districts have until March 15, 2011 to submit their fund release requests. Requests must be physically received by close of business that day.

January 26, 2011 SAB meeting:

26 State apportionments were made under a continuation of the second Priorities in Funding round. To date, fund release requests have been submitted for 5 projects, or 20 percent. The remaining districts have until April 26, 2011 to submit their fund release requests. Requests must be physically received by close of business that day.

February 23, 2011 SAB meeting:

18 State apportionments were made under a continuation of the second Priorities in Funding round. These districts have until May 24, 2011 to submit their fund release requests. Requests must be physically received by close of business that day.

Please send comments and suggestions for future editions of Building Blocks to opscnews@dgs.ca.gov.

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Labor Compliance Program Regulations

By Bryan O'Dell

The State Allocation Board (SAB) approved new School Facility Program (SFP) regulations at its February 23, 2011 meeting to allow school districts until May 1, 2011 to transition from the Department of Industrial Relations (DIR) Labor Compliance Program (LCP) to a DIR-approved third party or an approved in-house program following the repeal of the DIR regulations on November 4, 2010. Once approved by the Office of Administrative Law, the new SFP regulations will only apply to construction contracts for public works projects that were awarded between August 1, 2010 and November 4, 2010 and funded from Propositions 47 or 55.

School districts affected by the new SFP regulations must obtain a DIR-approved third party LCP reviewer as soon as possible. The LCP must either be administered by a DIR- approved third party contractor or be a DIR-approved program administered by the school district. School districts are required to follow all applicable labor laws, such as prevailing wage payments, at all times. Only the monitoring component of those laws was impacted by the DIR regulation repeal.

Districts will be required to provide verification of LCP compliance when submitting the *Fund Release Authorization* (Form SAB 50-05) for Proposition 47 and 55 funded projects. Projects funded from Proposition 1D are not required to have an LCP.

To review the full text of the proposed regulations, please refer to the SAB Agenda for February 23, 2011 found under Action Items.

If you have any questions on this issue, please contact:
Bryan O'Dell at (916) 375-4271 or bryan.odell@dgs.ca.gov
Laurel Brode at (916) 375-4570 or laurel.brode@dgs.ca.gov

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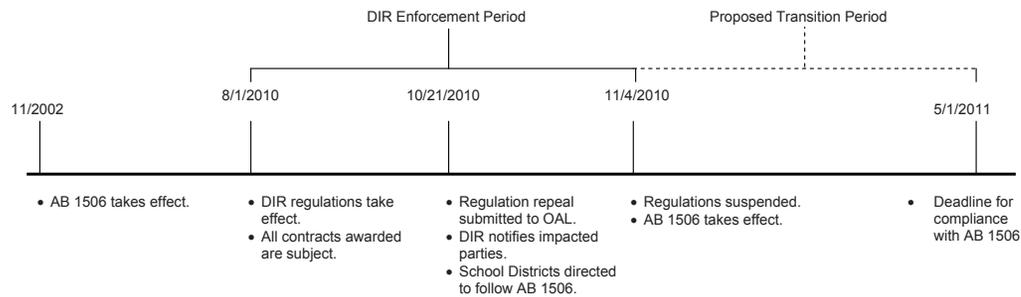
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LCP Requirements Timeline



Proposed Contract Requirements for LCP Compliance

Funding Source	Contract Award Date		
	Before 8/1/10	Between 8/1/10 and 11/4/10 "DIR Enforcement Period"	After 11/4/10
Proposition 47	LCP Required	Must have an LCP in place by 5/1/2011	LCP Required
Proposition 55	LCP Required	Must have an LCP in place by 5/1/2011	LCP Required
Proposition 1D	No LCP Required	Post DIR, No LCP Required	No LCP Required

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Timelines for Charter Schools

By Jason Casillas

At its February 2011 meeting, the State Allocation Board (SAB) established timelines for Charter School Facilities Program advance fund release requests during future priority funding rounds. The SAB previously approved the placement of these advances on the Unfunded Approvals list so that they may compete for funding in future priority funding rounds and asked stakeholders for feedback on appropriate time limits. Under a priority funding round other School Facility Program (SFP) unfunded approvals currently have a 90 day time limit to submit a valid fund release request upon being apportioned.

Based upon the recommendations arising from a recent stakeholders' meeting, the SAB approved time limits of 90 days for advance fund releases for design and 180 days for advance fund releases for site acquisition. Advance fund releases for site acquisition were given additional time to assist in the completion of what often proves to be a complex site approval process. However, those requesting an advance for site acquisition must show progress by executing the Charter School Agreements within 90 days of approval.

The SAB also approved the filing of emergency SFP regulations both to incorporate these timelines into future priority funding rounds and to clarify the existing priority funding round regulations.

Did you know?

The Office of Public School Construction (OPSC) participated in this year's Coalition for Adequate School Housing 32nd Annual Conference on School Facilities. The OPSC's presentations at this event included:

- [Top Tips \(Dave Zian\)](#)
- [The New and Approved High Performance Grant \(Brian LaPask\)](#)

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Additional Projects Receive the 2011 Construction Cost Index Adjustment

By Brian LaPask and Joel Ryan

At the January 2011 meeting, the State Allocation Board (SAB) adopted the annual adjustment to the School Facility Program (SFP) grants based on the change in construction costs. Based on the Marshall and Swift Eight California Cities Construction Cost Index (CCI), the 2011 per-pupil grant amounts for SFP projects will be increased by 4.28 percent.

The Marshall and Swift Eight California Cities CCI reflects the conditions under which districts will be building schools in California. It is also the only index that captures material and prevailing wage costs as they exist exclusively in California.

The SAB determined that SFP projects with an unfunded approval calculated using the 2010 grant amounts, as well as SFP projects that received an apportionment at the January 2011 meeting, are eligible to receive the 2011 grant amounts. This means that a total of 375 projects will be increased, representing a total amount of \$47,293,179.

Districts whose SFP projects received the CCI adjustment at the February 2011 SAB meeting, and already requested a fund release prior to the adjustment, will be required to certify and submit an additional *Fund Release Authorization* (Form SAB 50-05) to demonstrate that the district has met all of the requirements for the increase to their apportionment. Districts that have not requested a fund release prior to the adjustment will be required to certify and submit a single Form SAB 50-05 as usual.

If you have any questions about how the 2011 CCI increases might affect any of your projects, please contact your [Project Manager](#).

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Going Green with HPI

By Brian LaPask

Proposition 1D set aside \$100 million for High Performance Incentive (HPI) grants to promote the use of high performance attributes in new construction and modernization projects for K-12 schools. Currently, \$80.5 million is still available for qualifying projects.

The State Allocation Board recently approved new regulations that support even more incentive to "Go Green." These regulation changes became effective January 25, 2011:

High performance attributes categories:

- Sustainable Sites
- Energy
- Water
- Materials
- Indoor Environmental Quality

High Performance Rating Criteria Enhanced

A project achieves points by meeting High Performance Rating Criteria (HPRC) within the high performance attribute categories; more high performance attributes generally means a higher point score. The Division of the State Architect verifies the number of points for a project, which then corresponds to an increase to the project's per pupil construction base grant amount (currently ranging from two to just over ten percent).

The new regulations provide:

- 16 additional HPRC credits
- Increase to the HPI grant funding calculation

NEW High Performance Base Incentive Grant

A new incentive has been added with these regulations. The High Performance Base Incentive Grant (HPBIG) awards:

- \$150,000 for new school projects meeting the minimum HPRC point threshold of 27 points
- \$250,000 for new construction addition and modernization projects meeting the minimum point threshold of 20 points

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California Green Code

Additionally, changes were made to the regulations to incorporate requirements of the new California Green Code that became effective on January 1, 2011.

If you have any questions about these enhancements, please contact your [Project Manager](#).

Did you know?

State Agencies' Joint Workshop

The first in a series of quarterly joint workshops conducted by the California Department of Education (CDE), the Division of the State Architect (DSA), and the Office of Public School Construction (OPSC) is coming soon!

The workshop is scheduled to be held on March 24th from 9am-1pm at the Ziggurat Auditorium in West Sacramento. This event will be webcast for live and archived viewing.

Please join us as we present the topics YOU want to hear based on your survey results. Look for details coming soon.

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Implementation Committee Discussions

By Tracy Sharp

The following items were presented at the February 10, 2011 Implementation (IMP) Committee meeting:

Labor Compliance Monitoring

Discussion continued regarding proposed School Facility Program (SFP) regulations for recognizing school construction projects affected by the statutory change for labor compliance monitoring.

The OPSC received input from the public and stakeholders regarding proposed regulation changes and a new deadline of November 1, 2011 for eligible school districts to be in compliance with Labor Code Section 1771.7. This item was presented at the February State Allocation Board (SAB) Meeting. The SAB adopted the Labor Compliance Program regulations with the deadline of May 1, 2011 instead of the originally proposed November 1, 2011 deadline. Please see the [Labor Compliance Program Regulations](#) article in this edition of Building Blocks for more information.

Minimum Requests for Modernization Grant Funds

Discussion continued regarding proposed regulatory changes to lower the minimum grant threshold for modernization projects requesting Special Day Class (SDC) pupil grants.

Staff presented amended proposed regulatory changes to allow districts to submit a modernization funding application with fewer than the currently required 101 pupil grants for projects requesting SDC (Non-Severe or Severe) grants. Discussion of this item may continue at a future meeting.

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Bond Proceeds Released

By Michael Watanabe

The Office of Public School Construction has processed the following fund releases from 2009 and 2010 bond sales as of January 31, 2011:

March 2009 Bond Sale:

Total funds released: \$528.73 million of \$528.8 million — 99 percent

Total projects: 234 projects have received funds

April 2009 Bond Sale:

Total funds released: \$1.366 billion of \$1.438 billion — 95 percent

Total projects: 389 projects have received funds

October 2009 Bond Sale and November 2009 Commercial Paper:

Total funds released: \$378 million of \$509.5 million — 74 percent

Total projects: 174 projects have received funds

November 2009 Bond Sale and December 2009 Commercial Paper:

Total funds released: \$83.9 million of \$111.4 million — 75 percent

Total projects: 33 projects have received funds

March 2010 Bond Sale:

Total funds released: \$1.099 billion of \$1.351 billion — 81 percent

Total projects: 239 projects have received funds

November 2010 Bond Sale:

Total funds released: \$518.6 million of \$1.483 billion — 35 percent

Total projects: 244 projects have received funds

See [Status of Funds](#) for more details.

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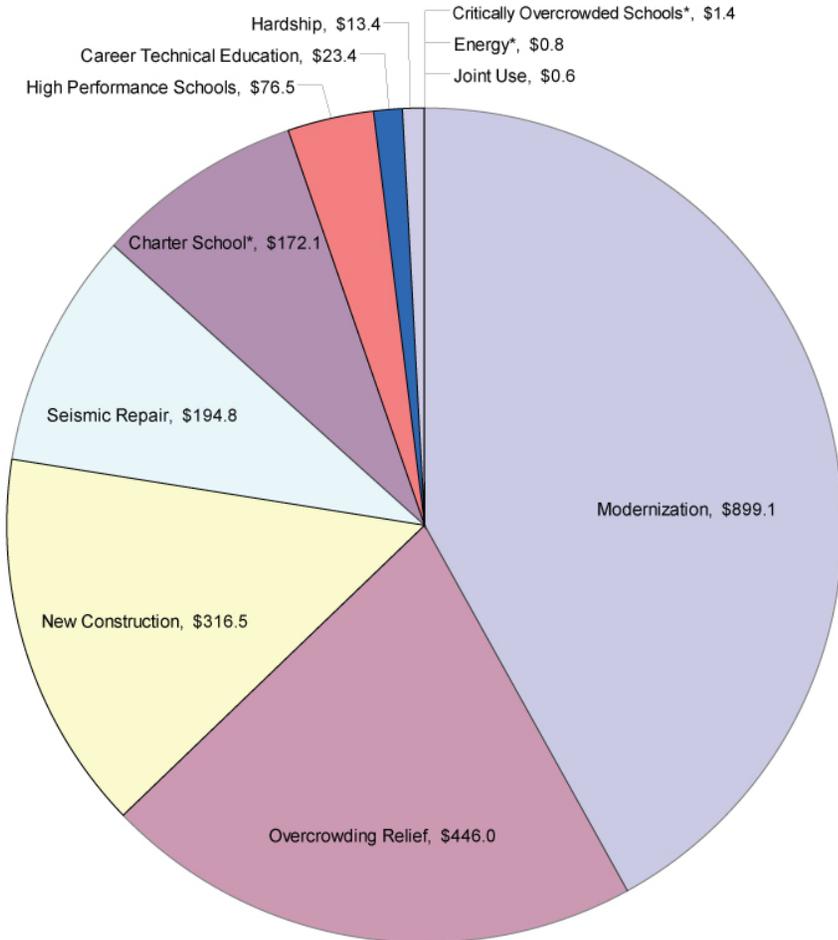
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Remaining Bond Authority - \$2.145 billion

(by program, in millions)
as of February 23, 2011



* These funds could be transferred.

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Regulatory Update

Labor Compliance Program Regulations

- Adopted on an emergency basis at the February 23, 2011 State Allocation Board (SAB) meeting.
- Proposed regulations provide that school districts that awarded construction contracts between August 1, 2010 and November 4, 2010 and that were funded from Propositions 47 or 55, must have a labor compliance program in place by May 1, 2011.
- Review process underway.

Timeline Options for Charter School Facilities Program Advance Fund Release Requests

- Adopted on an emergency basis at the February 23, 2011 SAB meeting.
- Proposed regulations require CSFP advance fund releases for site acquisition to request the release of funds within 180 days of approval, while requiring advance fund releases for design to request the release of funds within 90 days of approval. These proposed regulations also apply to Critically Overcrowded School projects, specifically the advance release of environmental hardship site acquisition funds.
- Review process underway.

Fiscal Crisis Regulations

- Adopted on an emergency basis at the December 15, 2010 SAB meeting.
- Proposed to extend, until July 1, 2011, the Inactive Preliminary Charter School Apportionment regulations, the Inactive Preliminary Apportionment regulations for Critically Overcrowded Schools projects, and the Financial Hardship Re-Review regulations.
- Review process continues.

Geographic Percent Factor for Santa Catalina Island

- Adopted at the December 15, 2010 SAB meeting.
- Proposed regulatory amendment allows for 50 percent for excessive cost due to geographic location for Santa Catalina Island only.
- Public comment period ends April 4, 2011.

One-Year Extension of General Site Development Grant

- Adopted at the June 23, 2010 SAB meeting.
- Proposed to extend the grant until no later than January 1, 2012.
- Public comment period ends April 4, 2011.

Note: Regulations become effective upon review and approval of the Office of Administrative Law.

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Upcoming Meetings

State Allocation Board (SAB) Meetings - [View SAB calendar](#)

- March 23, 2011 (Wednesday) 4:00 p.m.
- April 27, 2011 (Wednesday) 4:00 p.m.

OPSC/DSA/CDE Pre-SAB Meeting Forums

- March 23, 2011 (Wednesday) 9:30 a.m.
- April 27, 2011 (Wednesday) 9:30 a.m.

SAB Sub-Committee on Priorities in School Construction Funding/ Cash Management, Part II

- March 1, 2011 from 3:00 p.m. to 5:00 p.m. - State Capitol, Room 126

Implementation Committee Meetings - [View IMP calendar](#)

- March 10, 2011 - Cancelled
- April 14, 2011 (Thursday) 9:30 a.m. - 3:30 p.m.

Outreach

State Agencies' Joint Workshop

- March 24, 2011 - 9:00 a.m. - 1:00 p.m. at the Ziggurat Auditorium in West Sacramento (CDE, DSA, and OPSC)

Small School Districts' Association: "There's a Child Behind Everything We Do!" at the Radisson Hotel in Sacramento

- April 13, 2011 - How to Build a School in California (CDE, DSA, and OPSC)

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Upcoming Deadlines

Second Priority Funding Round

December 15, 2010 Apportionments:

Deadline to submit *Fund Release Authorization* (Form SAB 50-05) for projects receiving apportionments under the second Priority Funding Round at the December 15, 2010 SAB meeting:

- March 15, 2011

January 26, 2011 Apportionments:

Deadline to submit *Fund Release Authorization* (Form SAB 50-05) for projects receiving apportionments under the continuation of the second Priority Funding Round at the January 26, 2011 SAB meeting:

- April 26, 2011

February 23, 2011 Apportionments:

Deadline to submit *Fund Release Authorization* (Form SAB 50-05) for projects receiving apportionments under the continuation of the second Priority Funding Round at the February 23, 2011 SAB meeting:

- May 24, 2011

Upcoming Overcrowding Relief Grant Funding Cycles:

Deadline to submit funding applications for the eighth funding cycle:

- July 29, 2011

Energy Efficiency Grants:

Submit *Application for Funding* (Form SAB 50-04):

- Now through April 1, 2011

Joint-Use Program 2011:

Deadline to submit applications:

- March 1, 2011

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