

# STATE ALLOCATION BOARD AGENDA

Meeting Date: October 16, 2014

State Capitol  
Room 447  
2:00 p.m.

Revision date: October 10, 2014

Tab #7 – Insert page 92 - 107

Tab #10 – Insert pages 131 – 185

Tab #12 – Insert pages 192 – 201

Tab #13 – Insert page 205

Thank you,

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THE APPEAL FOR THE TWIN RIVERS UNIFIED SCHOOL  
DISTRICT/SACRAMENTO COUNTY,  
PROJECT NUMBER 51/76505-00-002,  
HAS BEEN WITHDRAWN

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, October 16, 2014

IMPLEMENTATION OF SENATE BILL 854  
PROPOSED REGULATIONS

PURPOSE OF REPORT

To request State Allocation Board (Board) approval of proposed regulatory amendments to align School Facility Program (SFP) regulations with changes in Labor Code (LC) requirements as a result of Senate Bill (SB) 854 Chapter 28, Statutes of 2014.

DESCRIPTION

SB 854 repealed the provisions in LC Section 1771.3 which required school districts to provide payment to the Department of Industrial Relations (DIR) for prevailing wage monitoring. As a result, school districts awarding a construction contract on or after June 20, 2014 are not mandated to provide payment for DIR monitoring and enforcement of prevailing wage requirements. This item includes proposed regulations to remove the additional prevailing wage monitoring (PWM) grant for projects with a public works contract awarded on or after June 20, 2014.

AUTHORITY

See Attachment A.

BACKGROUND

Assembly Bill 1506, Chapter 868, Statutes of 2002 (Wesson) required a labor compliance program (LCP) for school construction projects funded from either the Kindergarten-University Public Education Facilities Bond Act of 2002 (Proposition 47) or Kindergarten-University Public Education Facilities Bond Act of 2004 (Proposition 55). The purpose of the LCP was to ensure appropriate compliance with public works prevailing wage and apprenticeship requirements for school construction projects.

SB X2 9, Chapter 7, Statutes of 2010 (Padilla) amended the LC to, among other things, require DIR to perform prevailing wage monitoring and enforcement for all school construction projects that receive State bond funds. SB X2 9 specified that prevailing wage monitoring and enforcement must be directly administered by DIR, excepting only projects for which the school district had an in-house LCP approved by DIR. However, because SB X2 9's operation was suspended, the requirements of AB 1506 remained in effect for public works projects awarded through December 31, 2011.

On September 30, 2011, Assembly Bill (AB) 436, Chapter 378, Statutes of 2011 (Solorio) was signed into law, amending many of the provisions in SBX2 9. Any public works projects for which the construction contract was awarded on or after January 1, 2012 was subject to its provisions, including the requirement that the DIR "enforce compliance with applicable prevailing wage requirements" for these projects. For SFP projects, applicable school districts paid DIR for these costs. AB 436 also included an exception for projects for which the school district either had a DIR-approved in house LCP or a qualifying project labor agreement.

(Continued on page Two)

BACKGROUND (cont.)

On June 20, 2014, SB 854 was signed into law, amending many of the public works provisions of the LC. Among other things, SB 854 created a new public works contractor registration system that funds all of DIR's public activities and repealed the requirement for districts to pay DIR for monitoring on a bond-funded public works project. Therefore, any public works project awarded on or after June 20, 2014 will not receive the additional prevailing wage monitoring grant.

See the chart included as Attachment B for a history of the changes from AB 1506 through SB 854.

STAFF ANALYSIS/STATEMENTS

SB 854 provides a number of changes to the existing LC. The statute adds, amends, and repeals various LC Sections that have a direct impact on the SFP.

*DIR Notification of Contract Award*

Under the new statute, school districts seeking state funding are still required to notify DIR of public works contracts. Pursuant to LC Section 1773.3, school districts shall notify DIR within five days of the award of a public works contract.

*DIR Monitoring and Enforcement of Prevailing Wage Requirements*

SB 854 still requires DIR to monitor and enforce prevailing wage compliance. School districts are no longer required to pay a fee to DIR for prevailing wage monitoring and enforcement. Pursuant to LC Section 1725.5 contractors and subcontractors must register with DIR and pay registration fees in order to be listed in a bid proposal or engage in the performance of any public works project. These fees will be used to cover the cost of DIR monitoring and enforcement of prevailing wage requirements.

*Verification of Monitoring Requirements*

Once the proposed SFP Regulations implementing changes in SB 854 take effect, OPSC will no longer verify that school districts have complied with the monitoring requirements prior to SFP fund release for all projects for which construction contracts were awarded on or after January 1, 2012. School districts will no longer be required to submit a copy of the PWC-100 and a DIR confirmation email upon submittal of the PWC-100 as part of the *Fund Release Authorization* (Form SAB 50-05) submittal package. The PWC-100 is an online form used to notify DIR that a public works contract has been awarded and to provide specific details about the project.

However, school districts will continue to be subject to the statutory requirements that were in effect at the time of the contract award. Therefore, school districts seeking funding for which construction contracts were awarded on or before June 19, 2014 may be required to provide documentation to support compliance with the applicable LC at the time.

*Proposed Amendments*

The OPSC is proposing to amend SFP Regulations and forms to remove the SFP grant that provides additional funding for prevailing wage monitoring for all projects for which construction contracts are awarded on or after June 20, 2014.

(Continued on page Three)

STAFF ANALYSIS/STATEMENTS (cont.)

Once the proposed regulations become effective, Staff will bring an item to a future Board meeting to amend existing unfunded approvals. Projects on the Unfunded List (Lack of AB 55 Loans) and Unfunded List (Lack of Authority) that received the PWM grant and awarded construction contracts on or after June 20, 2014 will have the PWM grant removed.

Attachment C includes proposed amendments to SFP Regulations 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5 and 1859.193.

The regulatory changes impact New Construction (NC), Modernization (MOD), Career Technical Education Facilities Program (CTEFP), Charter School Facility Program (CSFP), Joint-Use (JU) Program, and Facility Hardship applications. In addition, there have been minor technical changes to three form names in the definitions section of the regulations.

The regulatory changes fall into two main categories:

1. Providing language stating that only construction contracts on or after January 1, 2012 and on or before June 19, 2014 are eligible to receive the PWM grant.
2. To update LC references within the SFP Regulations.

Regulation Section	Program Impacted	LC Reference Update	Eligible PWM grant contract award window defined
1859.2	Multiple - Definitions	✓	
1859.71.4	NC	✓	✓
1859.78.1	MOD	✓	✓
1859.79.2	MOD	✓	
1859.82	Facility Hardship	✓	✓
1859.83	Multiple - Excessive Cost Hardship Grant	✓	✓
1859.125	JU	✓	✓
1859.125.1	JU	✓	✓
1859.145	NC Preliminary Apportionment	✓	✓
1859.163.1	CSFP NC	✓	
1859.163.5	CSFP Rehabilitation	✓	
1859.167.2*	CSFP Rehabilitation	✓	✓
1859.193	CTEFP Grant	✓	✓

\*The Board recently approved SFP Regulation Section 1859.67.2 as part of the CSFP Rehabilitation Supplemental Grants item presented at the May 28, 2014 Board meeting but it is not yet effective. The anticipated regulatory effective date is January 1, 2015.

(Continued on page Four)

STAFF ANALYSIS/STATEMENTS (cont.)

Attachment C includes proposed amendments to the following forms:

- Application for Funding* (Form SAB 50-04)
- Fund Release Authorization* (Form SAB 50-05)
- Application for Joint-Use Funding* (Form SAB 50-07)
- Application for Preliminary Apportionment* (Form SAB 50-08)
- Application for Charter School Preliminary Apportionment* (Form SAB 50-09)
- Application for Career Technical Education Facilities Funding* (Form SAB 50-10)

*Forms SAB 50-04, 50-07, 50-08, 50-09 and 50-10*

The forms listed above contain changes to the instructions, prevailing wage monitoring, and certifications sections of the documents. The Forms SAB 50-04 and SAB 50-09 contain changes to regulations that were approved as part of the CSFP Rehabilitation Supplemental Grants item presented at the May 28, 2014 Board meeting but are not yet effective. There is a key which delineates the types of regulatory changes at the top of Attachment C. The changes are as follows:

1. Include language stating that only construction contracts awarded on or after January 1, 2012 and on or before June 19, 2014 are eligible to receive the PWM grant.
2. Remove reference to the Compliance Monitoring Unit
3. Update and remove references to new, amended or repealed LC sections.

*Form SAB 50-05*

The Form SAB 50-05 contains changes to the General Information and Certifications sections. The changes are as follows:

1. Language requiring school districts to submit evidence that the school district notified DIR within five days of awarding a construction contract has been removed.
2. The numbering in the General Information Section has been updated
3. The Certifications section is amended to highlight that even though school districts are no longer required to contract with DIR for prevailing wage monitoring, they must still ensure that the project is compliant with LC provisions.

RECOMMENDATIONS

1. Adopt the proposed regulations as shown on Attachment C.
2. Authorize the Executive Officer to file the proposed regulations with the Office of Administrative Law.

## ATTACHMENT A

Education Code (EC) Section 17070.35 states:

- (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following:
  - (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter....
  - (2) Establish and publish any procedures and policies in connection with the administration of this chapter as it deems necessary.

Labor Code (LC) Section 1725.5 states:

A contractor shall be registered pursuant to this section to be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any public work contract that is subject to the requirements of this chapter. For the purposes of this section, "contractor" includes a subcontractor as defined by Section 1722.1.

(a) To qualify for registration under this section, a contractor shall do all of the following:

(1) Beginning July 1, 2014, register with the Department of Industrial Relations in the manner prescribed by the department and pay an initial nonrefundable application fee of three hundred dollars (\$300) to qualify for registration under this section and an annual renewal fee on or before July 1 of each year thereafter. The annual renewal fee shall be in a uniform amount set by the Director of Industrial Relations, and the initial registration and renewal fees may be adjusted no more than annually by the director to support the costs specified in Section 1771.3.

(2) Provide evidence, disclosures, or releases as are necessary to establish all of the following:

(A) Workers' Compensation coverage that meets the requirements of Division 4 (commencing with Section 3200) and includes sufficient coverage for any worker whom the contractor employs to perform work that is subject to prevailing wage requirements other than a contractor who is separately registered under this section. Coverage may be evidenced by a current and valid certificate of workers' compensation Insurance or certification of self-insurance required under Section 7125 of the Business and Professions Code.

(B) If applicable, the contractor is licensed in accordance with Chapter 9 (commencing with Section 7000) of the Business and Professions Code.

(C) The contractor does not have any delinquent liability to an employee or the state for any assessment of back wages or related damages, interest, fines, or penalties pursuant to any final judgment, order, or determination by a court or any federal, state, or local administrative agency, including a confirmed arbitration award. However, for purposes of this paragraph, the contractor shall not be disqualified for any judgment, order, or determination that is under appeal, provided that the contractor has secured the payment of any amount eventually found due through a bond or other appropriate means.

(D) The contractor is not currently debarred under Section 1777.1 or under any other federal or state law providing for the debarment of contractors from public works.

(E) The contractor has not bid on a public works contract, been listed in a bid proposal, or engaged in the performance of a contract for public works without being lawfully registered in accordance with this section, within the preceding 12 months or since the effective date of the requirements set forth in subdivision (e), whichever is earlier. If a contractor is found to be in violation of the requirements of this paragraph, the period of disqualification shall be waived if both of the following are true:

(i) The contractor has not previously been found to be in violation of the requirements of this paragraph within the preceding 12 months.

(ii) The contractor pays an additional nonrefundable penalty registration fee of two thousand dollars (\$2,000).

(b) Fees received pursuant to this section shall be deposited in the State Public Works Enforcement Fund established by Section 1771.3 and shall be used only for the purposes specified in that section.

## ATTACHMENT A

(c) A contractor who fails to pay the renewal fee required under paragraph (1) of subdivision (a) on or before the expiration of any prior period of registration shall be prohibited from bidding on or engaging in the performance of any contract for public work until once again registered pursuant to this section. If the failure to pay the renewal fee was inadvertent, the contractor may renew its registration retroactively by paying an additional nonrefundable penalty renewal fee equal to the amount of the renewal fee within 90 days of the due date of the renewal fee.

(d) If, after a body awarding a contract accepts the contractor's bid or awards the contract, the work covered by the bid or contract is determined to be a public work to which Section 1771 applies, either as the result of a determination by the director pursuant to Section 1773.5 or a court decision, the requirements of this section shall not apply, subject to the following requirements:

(1) The body that awarded the contract failed, in the bid specification or in the contract documents, to identify as a public work that portion of the work that the determination or decision subsequently classifies as a public work.

(2) Within 20 days following service of notice on the awarding body of a determination by the Director of Industrial Relations pursuant to Section 1773.5 or a decision by a court that the contract was for public work as defined in this chapter, the contractor and any subcontractors are registered under this section or are replaced by a contractor or subcontractors who are registered under this section.

(3) The requirements of this section shall apply prospectively only to any subsequent bid, bid proposal, contract, or work performed after the awarding body is served with notice of the determination or decision referred to in paragraph (2) of this subdivision.

(e) The requirements of this section shall apply to any bid proposal submitted on or after March 1, 2015, and any contract for public work, as defined in this chapter, entered into on or after April 1, 2015.

LC Section 1771.1 states:

(a) A contractor or subcontractor shall not be qualified to bid on, be listed in a bid proposal, subject to the requirements of Section 4104 of the Public Contract Code, or engage in the performance of any contract for public work, as defined in this chapter, unless currently registered and qualified to perform public work pursuant to Section 1725.5. It is not a violation of this section for an unregistered contractor to submit a bid that is authorized by Section 7029.1 of the Business and Professions Code or by Section 10164 or 20103.5 of the Public Contract Code, provided the contractor is registered to perform public work pursuant to Section 1725.5 at the time the contract is awarded.

(b) Notice of the requirement described in subdivision (a) shall be included in all bid invitations and public works contracts, and a bid shall not be accepted nor any contract or subcontract entered into without proof of the contractor or subcontractor's current registration to perform public work pursuant to Section 1725.5.

(c) An inadvertent error in listing a subcontractor who is not registered pursuant to Section 1725.5 in a bid proposal shall not be grounds for filing a bid protest or grounds for considering the bid nonresponsive, provided that any of the following apply:

(1) The subcontractor is registered prior to the bid opening.

(2) Within 24 hours after the bid opening, the subcontractor is registered and has paid the penalty registration fee specified in subparagraph (E) of paragraph (2) of subdivision (a) of Section 1725.5.

(3) The subcontractor is replaced by another registered subcontractor pursuant to Section 4107 of the Public Contract Code.

(d) Failure by a subcontractor to be registered to perform public work as required by subdivision (a) shall be grounds under Section 4107 of the Public Contract Code for the contractor, with the consent of the awarding authority, to substitute a subcontractor who is registered to perform public work pursuant to Section 1725.5 in place of the unregistered subcontractor.

(e) The department shall maintain on its Internet Web site a list of contractors who are currently registered to perform public work pursuant to Section 1725.5.

## ATTACHMENT A

(f) A contract entered into with any contractor or subcontractor in violation of subdivision (a) shall be subject to cancellation, provided that a contract for public work shall not be unlawful, void, or voidable solely due to the failure of the awarding body, contractor, or any subcontractor to comply with the requirements of Section 1725.5 or this section.

(g) This section shall apply to any bid proposal submitted on or after March 1, 2015, and any contract for public work entered into on or after April 1, 2015.

LC Section 1771.3 states:

(a) The State Public Works Enforcement Fund is hereby created as a special fund in the State Treasury to be available upon appropriation of the Legislature. All registration fees collected pursuant to Section 1725.5 and any other moneys as are designated by statute or order shall be deposited in the fund for the purposes specified in subdivision (b).

(b) Moneys in the State Public Works Enforcement Fund shall be used only for the following purposes:

(1) The reasonable costs of administering the registration of contractors and subcontractors to perform public work pursuant to Section 1725.5.

(2) The costs and obligations associated with the administration and enforcement of the requirements of this chapter by the Department of Industrial Relations.

(3) The monitoring and enforcement of any requirement of this code by the Labor Commissioner on a public works project or in connection with the performance of public work as defined pursuant to this chapter.

(c) The annual contractor registration renewal fee specified in subdivision (a) of Section 1725.5, and any adjusted application or renewal fee, shall be set in amounts that are sufficient to support the annual appropriation approved by the Legislature for the State Public Works Enforcement Fund and not result in a fund balance greater than 25 percent of the appropriation. Any yearend balance in the fund greater than 25 percent of the appropriation shall be applied as a credit when determining any fee adjustments for the subsequent fiscal year.

(d) To provide adequate cashflow for the purposes specified in subdivision (b), the Director of Finance, with the concurrence of the Secretary of the Labor and Workforce Development Agency, may approve a short-term loan each fiscal year from the Labor and Workforce Development Fund to the State Public Works Enforcement Fund.

(1) The maximum amount of the annual loan allowable may be up to, but shall not exceed 50 percent of the appropriation authority of the State Public Works Enforcement Fund in the same year in which the loan was made.

(2) For the purposes of this section, a "short-term loan" is a transfer that is made subject to both of the following conditions:

(A) Any amount loaned is to be repaid in full during the same fiscal year in which the loan was made, except that repayment may be delayed until a date not more than 30 days after the date of enactment of the annual Budget Act for the subsequent fiscal year.

(B) Loans shall be repaid whenever the funds are needed to meet cash expenditure needs in the loaning fund or account.

LC Section 1771.4 states:

(a) All of the following are applicable to all public works projects that are otherwise subject to the requirements of this chapter:

(1) The call for bids and contract documents shall specify that the project is subject to compliance monitoring and enforcement by the Department of Industrial Relations.

(2) The awarding body shall post or require the prime contractor to post job site notices, as prescribed by regulation.

## ATTACHMENT A

(3) Each contractor and subcontractor shall furnish the records specified in Section 1776 directly to the Labor Commissioner, in the following manner:

(A) At least monthly or more frequently if specified in the contract with the awarding body.

(B) In a format prescribed by the Labor Commissioner.

(4) The department shall undertake those activities it deems necessary to monitor and enforce compliance with prevailing wage requirements.

(b) The Labor Commissioner may exempt a public works project from compliance with all or part of the requirements of subdivision (a) of this section if either of the following occurs:

(1) The awarding body has enforced an approved labor compliance program, as defined in Section 1771.5, on all public works projects under its authority, except those deemed exempt pursuant to subdivision (a) of Section 1771.5, continuously since December 31, 2011.

(2) The awarding body has entered into a collective bargaining agreement that binds all contractors performing work on the project and that includes a mechanism for resolving disputes about the payment of wages.

(c) (1) The requirements of paragraph (1) of subdivision (a) shall only apply to contracts for public works projects awarded on or after January 1, 2015.

(2) The requirements of paragraph (3) of subdivision (a) shall only apply to the following projects:

(A) Projects that were subject to a requirement to furnish records to the Compliance Monitoring Unit pursuant to Section 16461 of Title 8 of the California Code of Regulations, prior to the effective date of this section.

(B) Projects for which the initial contract is awarded on or after April 1, 2015.

(C) Any other ongoing project in which the Labor Commissioner directs the contractors or subcontractors on the project to furnish records in accordance with paragraph (3) of subdivision (a).

(D) All projects, whether new or ongoing, on or after January 1, 2016.

LC Section 1771.5 states:

(a) Notwithstanding Section 1771, an awarding body may choose not to require the payment of the general prevailing rate of per diem wages or the general prevailing rate of per diem wages for holiday and overtime work for any public works project of twenty-five thousand dollars (\$25,000) or less when the project is for construction work, or for any public works project of fifteen thousand dollars (\$15,000) or less when the project is for alteration, demolition, repair, or maintenance work, if the awarding body has elected to initiate and has been approved by the Director of Industrial Relations to enforce a labor compliance program pursuant to subdivision (b) for every public works project under the authority of the awarding body.

(b) For purposes of this section, a labor compliance program shall include, but not be limited to, the following requirements:

(1) All bid invitations and public works contracts shall contain appropriate language concerning the requirements of this chapter.

(2) A prejob conference shall be conducted with the contractor and subcontractors to discuss federal and state labor law requirements applicable to the contract.

(3) Project contractors and subcontractors shall maintain and furnish, at a designated time, a certified copy of each weekly payroll containing a statement of compliance signed under penalty of perjury.

(4) The awarding body shall review, and, if appropriate, audit payroll records to verify compliance with this chapter.

(5) The awarding body shall withhold contract payments when payroll records are delinquent or inadequate.

(6) The awarding body shall withhold contract payments equal to the amount of underpayment and applicable penalties when, after investigation, it is established that underpayment has occurred.

(7) The awarding body shall comply with any other prevailing wage monitoring and enforcement activities that are required to be conducted by labor compliance programs by the Department of Industrial Relations.

## ATTACHMENT A

(c) For purposes of this chapter, "labor compliance program" means a labor compliance program that is approved, as specified in state regulations, by the Director of Industrial Relations.

(d) For purposes of this chapter, the Director of Industrial Relations may revoke the approval of a labor compliance program in the manner specified in state regulations.

LC Section 1771.7 states:

(a) (1) For contracts specified in subdivision (f), an awarding body that chooses to use funds derived from either the Kindergarten-University Public Education Facilities Bond Act of 2002 or the Kindergarten-University Public Education Facilities Bond Act of 2004 for a public works project, shall initiate and enforce, or contract with a third party to initiate and enforce, a labor compliance program, as described in subdivision (b) of Section 1771.5, with respect to that public works project.

(2) If an awarding body described in paragraph (1) chooses to contract with a third party to initiate and enforce a labor compliance program for a project described in paragraph (1), that third party shall not review the payroll records of its own employees or the employees of its subcontractors, and the awarding body or an independent third party shall review these payroll records for purposes of the labor compliance program.

(b) This section applies to public works that commence on or after April 1, 2003. For purposes of this subdivision, work performed during the design and preconstruction phases of construction, including, but not limited to, inspection and land surveying work, does not constitute the commencement of a public work.

(c) (1) For purposes of this section, if any campus of the California State University chooses to use the funds described in subdivision (a), then the "awarding body" is the Chancellor of the California State University. For purposes of this subdivision, if the chancellor is required by subdivision (a) to initiate and enforce, or to contract with a third party to initiate and enforce, a labor compliance program, then in addition to the requirements described in subdivision (b) of Section 1771.5, the Chancellor of the California State University shall review the payroll records on at least a monthly basis to ensure the awarding body's compliance with the labor compliance program.

(2) For purposes of this subdivision, if an awarding body described in subdivision (a) is the University of California or any campus of that university, and that awarding body is required by subdivision (a) to initiate and enforce, or to contract with a third party to initiate and enforce, a labor compliance program, then in addition to the requirements described in subdivision (b) of Section 1771.5, the payroll records shall be reviewed on at least a monthly basis to ensure the awarding body's compliance with the labor compliance program.

(d) (1) An awarding body described in subdivision (a) shall make a written finding that the awarding body has initiated and enforced, or has contracted with a third party to initiate and enforce, the labor compliance program described in subdivision (a).

(2) (A) If an awarding body described in subdivision (a) is a school district, the governing body of that district shall transmit to the State Allocation Board, in the manner determined by that board, a copy of the finding described in paragraph (1).

(B) The State Allocation Board shall not release the funds described in subdivision (a) to an awarding body that is a school district until the State Allocation Board has received the written finding described in paragraph (1).

(C) If the State Allocation Board conducts a postaward audit procedure with respect to an award of the funds described in subdivision (a) to an awarding body that is a school district, the State Allocation Board shall verify, in the manner determined by that board, that the school district has complied with the requirements of this subdivision.

(3) If an awarding body described in subdivision (a) is a community college district, the Chancellor of the California State University, or the office of the President of the University of California or any campus of the University of California, that awarding body shall transmit, in the manner determined by the Director of Industrial Relations, a copy of the finding described in paragraph (1) to the director of that department, or

## ATTACHMENT A

the director of any successor agency that is responsible for the oversight of employee wage and employee work hours laws.

(e) Because the reasonable costs directly related to monitoring and enforcing compliance with the prevailing wage requirements are necessary oversight activities, integral to the cost of construction of the public works projects, notwithstanding Section 17070.63 of the Education Code, the grant amounts as described in Chapter 12.5 (commencing with Section 17070.10) of Part 10 of Division 1 of Title 1 of the Education Code for the costs of a new construction or modernization project shall include the state's share of the reasonable and directly related costs of the labor compliance program used to monitor and enforce compliance with prevailing wage requirements.

(f) This section shall only apply to contracts awarded prior to January 1, 2012.

LC Section 1773.3 states:

(a) (1) An awarding agency shall provide notice to the Department of Industrial Relations of any public works contract subject to the requirements of this chapter, within five days of the award.

(2) The notice shall be transmitted electronically in a format specified by the department and shall include the name of the contractor, any subcontractor listed on the successful bid, the bid and contract award dates, the contract amount, the estimated start and completion dates, job site location, and any additional information the department specifies that aids in the administration and enforcement of this chapter.

(b) In lieu of responding to any specific request for contract award information, the department may make the information provided by awarding bodies pursuant to this section available for public review on its Internet Web site.

ATTACHMENT B  
**Summary of Prevailing Wage Monitoring Compliance  
for the School Facility Program**

(as of October 16, 2014)

	<b>Assembly Bill 1506 Labor Compliance Program (LCP)</b>	<b>Assembly Bill 436 Compliance Monitoring Unit (CMU)</b>	<b>Senate Bill 854 Public Works Administration</b>
<b>Funding Source</b>	Propositions 47 and 55	Propositions 1A, 47, 55 & 1D	Propositions 1A, 47, 55 & 1D
<b>Significant Dates</b>	Notice to Proceed on or after April 1, 2003, <u>and</u> Contract Award Date before January 1, 2012	Contract Award Date on or after January 1, 2012, <u>and</u> Contract Award Date on or before June 19, 2014.	<u>SFP Funding</u> June 20, 2014 ≤ Contract Award Date
<b>Prevailing Wage Monitoring Entity</b>	The school district must either have a DIR approved LCP or hire an entity that operates a DIR approved LCP.	DIR's CMU monitors compliance unless the school district meets the exceptions.	DIR's Public Works Administration monitors compliance unless the school district meets the exceptions.
<b>SFP Funding</b>	The school district is eligible for an LCP grant.	The school district is eligible for the PWM grant.	The school district <u>is not</u> eligible for the PWM grant if the Contract Award Date is on or after June 20, 2014.
<b>SFP Fund Release Verification Process</b>	The school district must provide copies of DIR's LCP approval letters.	The school district must provide a copy of the following until SFP Regulations are amended to remove this requirement:  a) A copy of the PWC-100 b) DIR's confirmation email received upon submittal of the PWC-100	The school district must provide a copy of the following until SFP Regulations are amended to remove this requirement:  a) A copy of the PWC-100 b) DIR's confirmation email received upon submittal of the PWC-100

**Acronyms:**

DIR - Department of Industrial Relations  
PWM - Prevailing Wage Monitoring  
SFP - School Facility Program

ATTACHMENT C,  
PROPOSED REGULATORY AMENDMENTS,  
WILL BE FORTHCOMING

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, October 16, 2014

SEISMIC MITIGATION PROGRAM REPORT

PURPOSE OF THE REPORT

To provide the State Allocation Board (Board) with a summary of the Implementation Committee meeting discussion as to why projects that have obtained Seismic Mitigation Program (SMP) eligibility are dropping off and not continuing to the next step in the process to request funding.

DESCRIPTION

At the June 2014 Board meeting, the Board requested that the Implementation Committee convene to evaluate methods to increase participation in the SMP. The Implementation Committee met on August 7, 2014 and discussed possible reasons projects are not progressing past initial SMP eligibility approval (Step 1) and Replacement vs. Rehabilitation Analysis (Step 2) at the Division of the State Architect (DSA). The following is a summary of the Implementation Committee discussion items and actions needed to proceed:

Items that address the lack of progression from Step 1 to Step 2 and from Step 2 to Step 3.

Discussion Items	Legislative Action	Board Action	Process Change
Minimum Work Determination			✓
Reservation of Bond Authority for Conceptually Approved Projects	✓		
Priority DSA Review for SMP Projects			✓
Partial Seismic Upgrades		✓	✓

AUTHORITY

See Attachment A.

BACKGROUND

The Kindergarten-University Public Education Facilities Bond Act of 2006 (Proposition 1D), approved by California voters in 2006, provided up to \$199.5 million in bond authority “for seismic repair, reconstruction or replacement, pursuant to Education Code Section 17075.10.” Education Code (EC) Section 17075.10 further defined the criteria for the SMP to include “the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317 and determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.”

As of the August Board meeting there is \$142.9 million remaining in SMP bond authority.

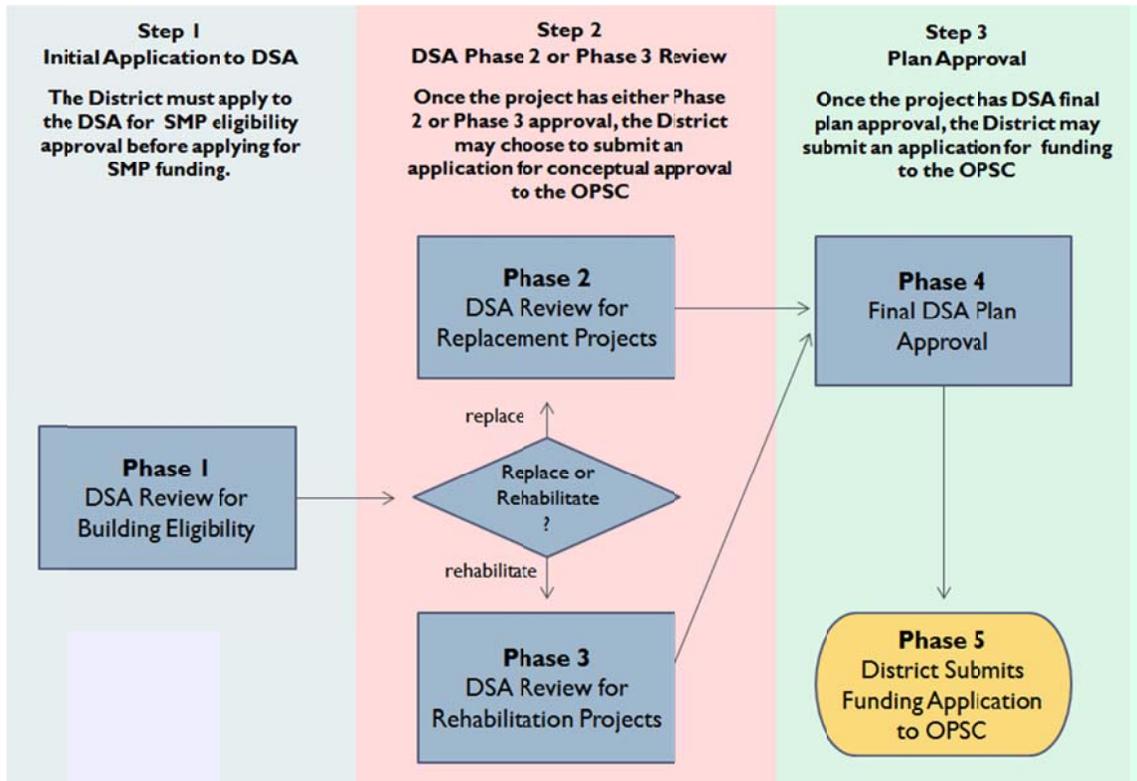
**SMP Approval Process**

School districts submit projects to DSA for review in steps (previously known as phases). At Step 1, projects receive confirmation of eligibility for the SMP. At Step 2, the licensed design professional submits a report detailing how to mitigate the risk of building collapse in the event of a seismic event; either by rehabilitating the building or replacing it. In Step 3, the licensed design professional submits the completed plans and specifications to DSA for approval. Although a number of projects have sought out eligibility determinations in Step 1 and continued to Step 2, a number of projects have not continued on to Step 3 for various reasons. As of October 2, 2014, there were eight buildings in DSA Step 3 with an estimated funding demand of \$8.3 million. At this time, only two buildings are actively working towards DSA plan approval.

(Continued on Page Two)

BACKGROUND (cont.)

The chart below outlines the DSA Process for providing concurrence and approvals.



The table below summarizes the major regulation amendments adopted by the Board to date.

Regulation Adoption	Ground Shaking Intensity	Number of Category 2 Building Types	Other Changes	Number of Applications Approved
September 2007	>1.70	4 of 14	N/A	3
August 2009	>1.68	8 of 14	N/A	0
June 2011*	Requirement removed.	14 of 14	Additional Geological threats added.	17

\*In May 2013 the Board approved Regulatory amendment to allow districts to request the High Performance Incentive grant. However, this amendment was not for the purposes of increasing participation in the SMP.

DISCUSSION

During the August 2014 Implementation Committee meeting, school districts and stakeholders provided several suggestions to increase SMP participation, although some of the suggestions had been discussed previously. Those suggestions are detailed below. Staff is also presenting the additional items discussed at the Implementation Committee that do not address the lack of progression from Step 1 to Step 2 and from Step 2 to Step 3.

(Continued on Page Three)

DISCUSSION (cont.)

**Minimum Work Determination**

**Topic:** Stakeholders indicated that there appears to be some redundancy/conflict with having both DSA and OPSC review the plans for the minimum work to mitigate the threat and obtain DSA plan approval. School districts indicated that uncertainty in the final approved SMP grants by OPSC can be significantly lower than what they expected based on the plans approved by DSA.

**Background:** SFP Regulations outline that DSA is to review applications for the SMP for the minimum work required to mitigate the threat and gain their approval. To do this, DSA reviews the engineer and/or architectural reports, plans (when complete), and scope of work submitted by the district. DSA verifies that the scope of work and plans include **at least** the minimum necessary to mitigate the seismic deficiencies as described in the structural engineer's report.

Plans and cost estimates often contain work that is beyond the minimum. Although school districts are able to include locally funded work beyond the minimum seismic work in the approved plans for an SMP project, the OPSC's plan review verifies that SMP grants exclusively cover only the *minimum work to mitigate the threat*. Additional work approved by DSA may not be eligible for SMP funding.

In May 2014, DSA updated its SMP Procedures (PR 08-03). The procedures now state that for rehabilitation projects,

*When an applicant school district wishes to expand the scope of the project beyond seismic rehabilitation, the project application must be submitted to DSA in increments.... One of the increments must contain only the work which is expected to receive state funds for seismic rehabilitation and associated required fire and life safety and accessibility upgrades. The other increment(s) must include work unrelated to seismic rehabilitation and associated required fire and life safety and accessibility.*

This change may allow OPSC to accept all work shown in the SMP specific increment as the minimum work and offer the school district a more accurate estimate of funding that could be received. The OPSC would still need to review the cost estimate to confirm proper unit costs in conformance with current estimating standards which will determine the amount of funding that the school district is eligible to receive. As of September 24, 2014, no applications have been submitted to the OPSC under this new requirement.

**Next Steps:** The OPSC could provide additional outreach as school districts progress forward through the various steps of the DSA approval process to advise the school districts and/or design professionals of what the Board can provide funding for. These meetings allows for OPSC staff to collaborate with the district's design and facilities teams to establish an understanding of the types of costs that are allowable in the program.

Potential pilot process changes:

- Require participation in a meeting with OPSC prior to applying for Step 2 approval.
- Require participation in a meeting with OPSC prior to applying for Step 3 approval.
- OPSC and DSA have been working together, and will continue to work together, on ways to streamline the process for determining the minimum work eligible for funding.

(Continued on Page Four)

DISCUSSION (cont.)

- Considerations:**
- School districts and design professionals would have a better understanding of what to expect as they move through DSA’s Step 2 and Step 3 approval process.
  - School districts would be better informed in advance of designing plans as they evaluate their remediation measures.
  - School districts would be better informed of the methodology for calculating SMP grants.

**Reservation of Bond Authority for Conceptually Approved Projects**

**Topic:** Districts have stated that a reservation of bond funds at the conceptual approval stage would allow them to move forward with their SMP projects without the fear that bond authority would be allocated to other school districts further in the approval process or that bond authority would swept into another program as part of the legislative process.

Conceptual approvals are provided to districts that can substantiate their eligibility for the SMP in advance of receiving plan approval from the DSA and the Department of Education (CDE). Districts have indicated that going through the conceptual approval process demonstrates their commitment to move forward with the project. The allocation of bond authority during conceptual approval would provide school districts assurance that they can move forward with full design of construction ready plans and would have a funding partner for the project.

**Background:** Staff consulted legal counsel regarding the Board’s ability to reserve bond authority and was advised that this is not allowable as it would conflict with the statutory definition of an Apportionment. An Apportionment is defined by statute as “a reservation of funds for the purpose of eligible new construction, modernization, or hardship approved by the [Board] for an applicant school district.”

The SMP is a subset of new construction; therefore the same requirements apply to these projects. EC Sections 17072.30 and 17070.50 do not allow the Board to grant apportionments prior to the district obtaining CDE and DSA approval of the plans and specifications for the project. Districts may request a conceptual approval of a SMP project in order to determine eligibility for potential funding for the program.

Because a conceptual approval is not an apportionment, it does not reserve bond authority, nor does it guarantee funding. However, it is useful in that it grants notification that a project is eligible for the program.

**Prior Discussion and Results:** This option has been discussed in past Seismic Mitigation Sub-committee and Board meetings and it was not approved by the Board.

**Next Steps:** Board counsel has opined that allocating bond authority for conceptual approvals would be in conflict with statute.

**This option would require legislative changes.**

DISCUSSION (cont.)

**Priority DSA Review for SMP Projects**

- Topic:** Districts have stated that expedited SMP reviews at DSA would keep momentum of the projects moving forward.
- Background:** Projects for the SMP relate to health and safety threat mitigation. For this reason, the topic of prioritizing SMP reviews at the DSA has been suggested to help expedite the completion of these types of projects.
- Next Steps:** OPSC discussed this with topic with DSA. To ensure equitable treatment of all projects submitted by school districts, DSA cannot prioritize typical SMP projects. However, DSA will discuss the possibility of an expedited review with school districts given certain, specific circumstances.
- Considerations**
- Would help expedite projects that mitigate an unacceptable risk of injury to the occupants in the event of a seismic event.
  - May help projects move more quickly through the SMP review process.

**Partial Seismic Upgrades**

- Topic:** Provide funding for partial seismic upgrades.
- Background:** The SMP provides funding for eligible buildings to be replaced or rehabilitated to comply with current seismic safety standards adopted in the California Building Code. School districts have stated that they may be limited by budgetary constraints and may not be able to contribute the required matching funds. Not all districts are able to qualify for financial hardship assistance. School districts indicated that SMP projects can be costly to bring them up to current building code requirements to meet all structural, fire and life safety, and access compliance code requirements.
- Stakeholders suggested that expanding the SMP to allow for partial seismic upgrades when the full scope of a comprehensive seismic rehabilitation is cost prohibitive may result in additional school districts participating in the SMP. In addition, this would allow districts the opportunity to strengthen their buildings in phases as local funds become available. This also provides a potential second option to school districts that are unable to qualify for financial hardship or provide the full 50 percent matching share for a full SMP project.
- Prior Discussion and Results:** The funding of partial seismic upgrades was previously presented at during the 2011 Subcommittee on Seismic Mitigation Program meetings and the 2011 Board meetings but was not adopted.

DISCUSSION (cont.)

**Next Steps:** This option would require Board action.

- Considerations**
- Funding could be provided for projects that improve the safety of students and staff related to seismic threats.
  - Funding would be provided for projects not bringing buildings up to full compliance with seismic safety standards adopted in the California Building Code.

**The following are additional items discussed at the Implementation Committee that do not address the lack of progression from Step 1 to Step 2 and from Step 2 to Step 3.**

<b>Additional Discussion Items</b>	<b>Legislative Action</b>	<b>Board Action</b>	<b>Process Change</b>
Provide Upfront Grants for Engineering and Architectural Costs	✓		
Reimbursement for Structural Engineers' Reports	✓		
Priority Funding for SMP Projects		✓	✓

**Provide Upfront Grants for Engineering and Architectural Costs**

**Topic:** School districts and stakeholders have expressed that the specialized engineering and architectural reviews and engineering/architectural services for seismic related work to determine SMP eligibility is costly. Paying for these reviews without a guarantee of state funding has caused hesitation for some districts to review their facilities in order to participate in the program.

**Background:** School districts are required to hire a structural engineer and produce a report specifically for qualifying and applying for funding through the SMP. According to school districts, the report can be time consuming and costly to produce. Some districts have expressed that these costs have not been adequately reimbursed. They have also indicated the costs of the reports and engineering/architectural services may not provide a commensurate amount of SMP funding to justify the application process for receiving funding through the SMP.

Advanced funding for engineering and architectural costs are only allowed for projects that qualify for financial hardship funding. The funding is provided after a school district is determined to eligible for the SMP.

Board legal counsel previously opined during creation of the SMP that statute does not allow a set aside of funds for this purpose; however, expenditure of funding for this purpose is allowable.

Senate Bill 375 (Hancock) sought to provide funding; the bill went to the Senate Appropriations Committee, but did not advance further through the legislative approval process.

**Prior Discussion and Results:** This option was previously presented to the Board in August 2009 and was not adopted.

**Next Steps:** **This option would require legislative changes.**

(Continued on Page Seven)

DISCUSSION (cont.)

**Reimbursement for Structural Engineers' Reports**

**Topic:** Fund structural engineer's reports for SMP projects that school districts have already expended in order to qualify for Step 1, SMP Eligibility Determination.

**Background:** School districts are required to hire a structural engineer and produce a report specifically for qualifying and applying for funding through the SMP. According to school districts, the report can be time consuming and costly to produce. Some districts have expressed that these costs have not been adequately reimbursed. They have also indicated the costs of the reports may not provide a commensurate amount of SMP funding to justify the application process for receiving funding through the SMP.

Board legal counsel previously opined during creation of the SMP that statute does not allow a set aside of funds for this purpose; however, expenditure of funding for this purpose is allowable.

The SMP already provides funding for structural engineering reviews of DSA plans via the SMP base grant for replacement project or as an architectural and engineering allowance on top of the SMP rehabilitation grant. These grants may be expended on the costs to create the initial SMP Eligibility determination reports.

**Prior Discussion and Results:** This topic was previously presented to the Board in September 2007 and was not adopted.

**Next Steps:** **This option would require legislative changes.**

**Accelerated Cash Proceeds for SMP Projects**

**Topic:** Accelerate cash to SMP projects that have already made it through Step 3 by providing them a way to bypass the priority funding (PF) requirements.

**Background:** The PF process was created to allow projects that received unfunded approvals and placed on the Unfunded List (Lack of AB 55 Loans) to receive an Apportionment with accelerated timelines. To participate, school districts with projects on the Unfunded List (Lack of AB 55 Loans) must submit a written request during 30 day filing periods that begin in May and November of each year. The written requests must include an acknowledgement from the school district that a valid *Fund Release Authorization* (Form SAB 50-05) must be submitted and physically received by the OPSC within 90 calendar days of Apportionment.

The statement was made that because of the health and safety aspect of SMP projects, they should not be required to wait for the twice annual certification periods to receive an apportionment. They should, instead, receive an apportionment as soon as cash becomes available. This would assist school districts with managing their local cash flow.

**Next Steps:** This would require Board action.

(Continued on Page Eight)

DISCUSSION (cont.)

- Considerations**
- Funding could be provided to mitigate the health and safety issues outlined in the projects when funding becomes available rather than having to wait for a PF round.
  - Regulations could be drafted to required SMP projects to submit a valid Form SAB 50-05 within 90 calendar days of Apportionment and to limit projects to two non-participation occurrences.

RECOMMENDATION

Acknowledge this report.

## ATTACHMENT A

### AUTHORITY

**Education Code (EC) Section 101012 (a)(1)** states, “Of the amount allocated under this paragraph, up to 10.5 percent [\$199.5 million] shall be available for purposes of seismic repair, reconstruction, or replacement, pursuant to Section 17075.10.”

**EC Section 17075.10(a)** states:

A school district may apply for hardship assistance in cases of extraordinary circumstances. Extraordinary circumstances may include, but are not limited to, the need to repair, reconstruct, or replace the most vulnerable school facilities that are identified as a Category 2 building, as defined in the report submitted pursuant to Section 17317, determined by the department to pose an unacceptable risk of injury to its occupants in the event of a seismic event.

**EC Section 17075.10(b)(2)** states:

Funds for the purpose of seismic mitigation work or facility replacement pursuant to this section shall be allocated by the board on a 50-percent state share basis from funds reserved for that purpose in any bond approved by the voters after January 1, 2006. If the board determines that the seismic mitigation work of a school building would require funding that is greater than 50 percent of the funds required to construct a new facility, the school district shall be eligible for funding to construct a new facility under this chapter.

**EC Section 17317(a)** states:

The Department of General Services shall, in consultation with the Seismic Safety Commission, conduct an inventory of public school buildings that are concrete tilt-up school buildings and school buildings with nonwood frame walls that do not meet the minimum requirements of the 1976 Uniform Building Code. Priority shall be given to the school buildings identified in the act that added this section that are in the highest seismic risk zones in accordance with the seismic hazard maps of the Division of Mines and Geology of the Department of Conservation.

**EC Section 17317(b)** states:

The Department of General Services shall submit a report by December 31, 2001, to the Legislature and the Governor that summarizes the findings of the seismic safety inventory and makes recommendations about future actions that should be taken to address the problems found by the seismic safety inventory. The report shall not identify individual schoolsites on which inventoried school buildings are located.

Report: <http://www.documents.dgs.ca.gov/dsa/pubs/FinalAB300Report.pdf>

**SFP Regulation Section 1859.2** states:

“Most Vulnerable Category 2 Buildings” means the building meets the criteria outlined in Section 1859.82(a)(1)(C) and is one of the following building types:

- C1 – Concrete Moment Frame,
- C1B – Reinforced Concrete Cantilever Columns with Flexible Diaphragms,
- C2A – Concrete Shear Wall with Flexible Diaphragms,
- C3A – Concrete Frame with Infill Masonry Shear Walls and Flexible Diaphragms,
- PC1 – Precast/Tilt-up Concrete Shear Wall with Flexible Diaphragms,
- PC1A – Precast/Tilt-up Concrete Shear Wall with Rigid Diaphragms,
- PC2A – Precast Concrete Frame without Concrete Shear Walls and with Rigid Diaphragms,
- PC2 – Precast Concrete Frame and Roofs with Concrete Shear Walls,
- URM – Unreinforced Masonry Bearing Wall Buildings,
- RM1 – Reinforced Masonry Bearing Wall with Flexible Diaphragms,
- URMA - Unreinforced Masonry Bearing Wall with Rigid Diaphragms,
- S1B – Steel Cantilever Columns with Flexible Diaphragm,
- S3 – Steel Light Frame Metal Siding and/or Rod Bracing, or
- M – Mixed construction containing at least one of the above structures types.

**SFP Regulation Section 1859.82** states, “A district is eligible for facility hardship funding to replace or construct new classrooms and related facilities if the district demonstrates there is an unmet need for pupil housing or the condition of the facilities, or the lack of facilities, is a threat to the health and safety of the pupils.”

**SFP Regulation Section 1859.82(a)(1)** provides for Facility Hardship grant funding when, “The facilities are needed to ensure the health and safety of the pupils if the district can demonstrate to the satisfaction of the Board that the health and safety of the pupils is at risk. Factors to be considered by the Board shall include...seismic mitigation of the Most Vulnerable Category 2 Buildings as verified by the DSA....”

**SFP Regulation Section 1859.82(a)(1)(A)** states:

If the request is for replacement facilities, a cost/benefit analysis must be prepared by the district and submitted to the OPSC that indicates the total costs to remain in the classroom or related facility and mitigate the problem is at least 50 percent of the Current Replacement Cost of the classroom or related facility. The cost/benefit analysis may include applicable site development costs as outlined in Section 1859.76. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility. If the cost to remain in the classroom or related facility is less than 50 percent of the Current Replacement Cost, the district may qualify for either grant below, as applicable:

1. Modernization Excessive Cost Hardship Grant for Rehabilitation Costs pursuant to Section 1859.83(e), or
2. A grant not to exceed 50 percent of the cost estimate that has been reviewed and approved by the OPSC and approved by the board for seismic rehabilitation.

**SFP Regulation Section 1859.82(a)(1)(B)** states:

If the request is for replacement facilities that included structural and/or seismic deficiencies, the cost/benefit analysis must also include a report from a licensed design professional identifying the minimum work necessary to obtain DSA approval. The report must contain a detailed cost estimate of the repairs. The cost/benefit analysis shall not include increased costs associated with high performance related costs or components, with the exception of those high performance components that were pre-existing in the classroom or related facility. The report and cost estimate shall be subject to review by the OPSC for conformance with the Saylor Current Construction Cost Publication and, at the OPSC’s discretion, the DSA. For seismic deficiencies of the Most Vulnerable Category 2 Buildings, the report and the cost estimate for the minimum work necessary must be reviewed by the DSA.

**SFP Regulation Section 1859.82(a)(1)(C)** states:

The seismic mitigation projects must meet all of the following requirements:

1. The construction contract was executed on or after May 20, 2006;
2. The project funding provided shall be for the minimum work necessary to obtain DSA approval;
3. The building is designed for occupancy by students and staff; and
4. The DSA concurs with a report by a structural engineer, which identifies structural deficiencies that pose an unacceptable risk of injury to its occupants in a seismic event. If the unacceptable risk of injury is due to the presence of faulting, liquefaction or landslide, these hazards must be documented by a geologic hazards report prepared by an engineering geologist in accordance with California Building Code, Part 2, Chapter 18, section 1803A and with the concurrence of the California Geological Survey.

The structural engineer’s report shall conform to the guidelines prepared by the DSA, in accordance with Education Code Section 17310.

**SFP Regulation Section 1859.95.1(a)** states:

When the Board has Insufficient Bond Authority to apportion the School District’s funding request on the Form SAB 50-04, the following will apply:

- (1) The Office of Public School Construction (OPSC) will receive and determine if the Form SAB 50-04 is an Approved Application. To be placed on the Applications Received Beyond Bond Authority List, the Approved Application for funding shall be accompanied by a school board resolution, as specified in paragraph (b) of this Section. The OPSC will not determine if the Approved Application is ready for Apportionment.

## APPEALS Received as of September 30, 2014

Appeal Received Date	District	Tentative SAB Date*	Description
2/4/2014	Twin Rivers Unified School District/Sacramento	Postponed 12/2014	District requests the use of Facility Hardship replacement funding on existing facilities at an alternate school site.
4/24/2014	Los Angeles Unified School District/Los Angeles	TBD	Districts requests site development grants that were denied by the Office of Public School Construction during the application review process.
7/2/2014	San Francisco Unified School District/San Francisco	Postponed 12/2014	District seeks the restoration of a priority funding apportionment and fund release for an ORG project that was rescinded due to lack of compliance with prevailing wage monitoring requirements.
7/7/2014	Los Angeles Unified School District/Los Angeles	Postponed 12/2014	District requests approval to submit updated DSA-approved plans and fund release for a modernization project that received an apportionment on April 7, 2014.
9/15/2014	Desert Sands Unified School District/Riverside	1/2015	District requests Seismic Mitigation Program grants that were denied by the Office of Public School Construction during the application review process.

\*Please note: Tentative SAB Date is not a guaranteed meeting date and may be subject to change.