

RESUBMITTAL

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2012-0821-25	REGULATORY ACTION NUMBER 2013-0107-01 SR	EMERGENCY NUMBER
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2013 FEB -7 PM 1:27

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2013 JAN -7 AM 11:04
OFFICE OF ADMINISTRATIVE LAW

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

AGENCY WITH RULEMAKING AUTHORITY Department Of General Services	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2012 35.2	PUBLICATION DATE 8-31-2012

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Amendments to California Code of Regulations, Title 21. Public Works	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2012-1102-02 S
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)
ADOPT
AMEND 1301, 1310, 1312
REPEAL
TITLE(S) 21

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)
December 19, 2012 through January 3, 2013

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify) _____

7. CONTACT PERSON Pamela Mendoza	TELEPHONE NUMBER 916-376-1731	FAX NUMBER (Optional) 916-376-1677	E-MAIL ADDRESS (Optional) pamela.mendoza@dgs.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Esteban Almanza</i>	DATE 1/4/13
TYPED NAME AND TITLE OF SIGNATORY Esteban Almanza, Chief Deputy Director	

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ENDORSED APPROVED

FEB 07 2013

Office of Administrative Law

§ 1301. Definitions.

As used in these regulations:

(a) "Firm" has the same meaning means as the term under Government Code section 4525, subdivision (a). ~~any individual, firm, partnership, corporation, association, joint venture or other legal entity permitted by law to practice the professions of architecture, engineering or land surveying.~~

(b) "Director" is the Director of General Services.

(c) "Department" is the Department of General Services.

(d) "Architectural and engineering services" shall include architectural, landscape architectural, engineering, environmental, and land surveying services, construction project management, and environmental services as defined in Government Code section 4525, subdivisions (d), (e), and (f). ~~"Architectural engineering and land surveying services" are those services to be procured outside State of California Civil Service procedures and of a character necessarily rendered by an architect, engineer or land surveyor, but Services may include incidental or ancillary services logically or justifiably performed in connection therewith. Such services need be procured pursuant to these regulations only if they are of the type which would lead to, or result in, instruments of service for the construction of a "project" as that term is used in the State Contract Act (commencing at Section 14250, Government Code). Services performed by engineers in reviewing, for compliance with code requirements, instruments of service prepared by others need not be procured pursuant to these regulations.~~

(e) "Project" means a retainer project or specific project, as follows:

(1) "Retainer Project" means a project involving a general architecture and engineering services subject matter where targeted specific projects are unknown at the time of contracting.

(2) "Specific Project" means a project as defined in Public Contract Code section 10105 and reasonably related to architecture and engineering services involving a single subject matter at one or more sites known at the time of contracting and a readily identifiable targeted outcome known at the time of contracting.

Note: Authority cited: Section 4526, Government Code. Reference: Sections 4525, and 4526, 4527, and 4529.10, Government Code; Section 10105, Public Contract Code; and Article XXII, California Constitution, Sections 1-2.

ARTICLE 2. PROCEDURES FOR PROCURING SERVICES

§ 1310. Publication of Announcement, Request for Qualifications, and Retainer Contracts.

~~(a) When a project requiring architectural, engineering, or land surveying services of a value of over \$25,000 is identified, an announcement shall be made by the Director through publication of professional societies as follows:~~

~~(1) If the services will be predominantly architectural, the California Council, American Institute of Architects.~~

~~(2) If the services will be predominantly engineering, the Consulting Engineers Association of California and the California Society of Professional Engineers.~~

~~(3) If the services will be predominantly landscaping, the American Society of Landscape Architects.~~

~~(4) If the services will be predominantly land surveying, the Consulting Engineers Association of California.~~

~~The publication of each of the above societies has statewide distribution.~~

~~(b) For projects where such services in each instance shall not exceed \$25,000, the Director may make annual announcements, published as above, which identify the general needs of the State.~~

~~(c) The announcement shall contain the following minimal information:~~

~~The nature of the work, the criteria upon which the award shall be made, and the time within which statements of interest, qualification and performance data will be received.~~

(a) . The Department may solicit and enter into specific project contracts to accomplish each specific project and/or solicit and enter into retainer project contracts to accomplish retainer projects. Unless a specific project is to be accomplished by amendment to an existing retainer contract, the Department shall make a statewide announcement of each specific project through publication of the project announcement in respective professional societies utilizing one or more of the following options: (1) in a construction journal or other appropriate publications; (2) through electronic communications media which support bulletin boards or Internet web sites that have demonstrated statewide accessibility and are regularly maintained at established addresses by professional organizations which are representative of the services to be procured. The Department shall solicit each retainer project contract by the same method.

(b) The announcement shall include information describing the project, a Department contact for obtaining the request for qualifications and the due date, time and location for submission of the statement of qualifications. The announcement may also identify the criteria upon which the award will be made.

(c) The Director shall disseminate the request for qualifications to those firms responding to the statewide announcement. The request for qualifications shall include a description

of the project, the criteria upon which the award shall be made, the due date, and statement of qualifications submission and contract requirements.

(d) Each specific project included in a retainer contract shall not exceed the cost limit identified in Public Contract Code section 10105. If a specific project would be substantially jeopardized by any delay in initiation or performance that would result in substantial waste of state resources, the Director or Deputy Director may waive the cost limit of that specific project by written finding detailing the basis for the urgency and the potential waste avoided.

Note: Authority cited: Section 4526, Government Code. Reference: Sections 4526, and 4527, and 4529.12, Government Code; and Article XXII, California Constitution, Sections 1-2.

§ 1312. Selection Process of Architects, Engineers, or Land Surveyors.

After expiration of the period stated in the publications, the Director shall evaluate statements of qualifications and performance data on file in the Department. The Director shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required service. From the firms with which discussions are held, the Director shall select no less than three, in order of preference, based upon the established criteria, who are deemed to be the most highly qualified to provide the services required. If three qualified firms that could provide the required service cannot be found, a full explanation including names and addresses of firms and individuals requested to submit qualifications must be entered in the Department's files.

Note: Authority cited: Section 4526, Government Code. Reference: Sections 4526, and 4527, and 4529.12, Government Code; and Article XXII, California Constitution, Sections 1-2.