

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1120

Introduced by Assembly Member Niello

February 27, 2009

An act to add Section 17297.5 to the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1120, as amended, Niello. School facilities: construction: cost containment.

~~Existing law requires the governing board of a school district to let a contract for a public project that involves \$15,000, as annually adjusted for inflation since 1997 by the Superintendent of Public Instruction. Public project is defined as the construction, reconstruction, erection, alteration, renovation, improvement, demolition, repair work, painting, and repainting that involves a public owned, leased, or operated facility.~~

~~Existing law authorizes the state or any other public entity in any public works contract awarded to the lowest bidder to provide for the payment of extra compensation to the contractor for the cost reduction changes in the plans and specifications for the project made pursuant to a proposal submitted by the contractor. The extra compensation to the contractor is 50% of the net savings in construction costs as determined by the public entity. Existing law prohibits the contractor from being required to perform the changes contained in an eligible change proposal unless the proposal was accepted by the public entity.~~

Existing law, the Field Act, requires the Department of General Services under the police power of the state to supervise the design and construction of a school building or the reconstruction or alteration

of, or addition to, a school building, if not exempted under specified law, to ensure that plans and specifications comply with adopted rules and regulations and building standards published in regulations, and to ensure that the work of construction is performed in accordance with the approved plans and specifications for the protection of life and property.

~~This bill would state the intent of the Legislature to enact legislation that would provide an incentive for school districts and building contractors to engage in cost containment when constructing school facilities, as is currently authorized~~ *authorize a school district to include a constructability review with the plans and specifications it submits to the Department of General Services for approval. The bill would define “constructability review” as a cost control technique by which the project plans and specifications are reviewed by mechanical, electrical, structural, and construction professionals hired by the school district to identify potential claim or problem areas and deficiencies in the plans and specifications that may occur as a result of errors, ambiguities, omissions, discrepancies, and conflicts in the plans and specifications.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 17297.5 is added to the Education Code,
- 2 to read:
- 3 17297.5. When a school district submits plans for approval
- 4 pursuant to this article, the school district may include a
- 5 constructability review. For purposes of this section,
- 6 “constructability review” means a cost control technique by which
- 7 the project plans and specifications are reviewed by mechanical,
- 8 electrical, structural, and construction professionals hired by the
- 9 school district to identify potential claim or problem areas and
- 10 deficiencies in the plans and specifications that may occur as a
- 11 result of errors, ambiguities, omissions, discrepancies, and
- 12 conflicts in the plans and specifications.
- 13 ~~SECTION 1. This bill would state the intent of the Legislature~~
- 14 ~~to enact legislation that would provide an incentive for school~~
- 15 ~~districts and building contractors to engage in cost containment~~

- 1 ~~when constructing school facilities, as is currently authorized in~~
- 2 ~~Section 7107 of the Public Contract Code.~~

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