

AMENDED IN SENATE JUNE 19, 1997
AMENDED IN ASSEMBLY MAY 23, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 611

**Introduced by Assembly Member Villaraigosa
(Principal coauthors: Assembly Members Campbell,
Cardenas, and Hertzberg)**

February 25, 1997

An act to amend Sections 17280 ~~and 17295~~, 17295, 81130, and 81133 of the Education Code, and to amend Section 20111.5 of the Public Contract Code, relating to education facilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 611, as amended, Villaraigosa. Educational facilities.

(1) Existing law requires the Department of General Services to pass on an alteration or reconstruction of, or addition to, any public school building when the estimated cost exceeds \$20,000, and for a structural engineer to examine and report, as specified, on any alteration of a public school building, when the estimated cost exceeds \$10,000 but does not exceed \$20,000.

This bill would require the Department of General Services to pass on an alteration or reconstruction of, or addition to, any public school building, when the estimated cost exceeds \$100,000, and for a structural engineer to examine and report, as specified, on any alteration of a public school building,

when the estimated cost exceeds \$25,000 but does not exceed \$100,000.

(2) Existing law permits a school district to prequalify prospective bidders for contracts with the district, as specified.

This bill would permit a school district to ~~require any prospective bidder to only submit specified materials for prequalification during the first 30 days of each of the 4 calendar quarters in a year. This bill would permit a bidder who is prequalified to retain that status during the days in a calendar quarter in which he or she is prequalified until the last day of the 3rd consecutive quarter following that quarter. This bill would make related technical changes~~ *establish a process for prequalifying bidders on a quarterly basis and would authorize that prequalification to be considered valid for up to one calendar year following the date of initial prequalification.*

(3) *This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

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

1 SECTION 1. Section 17280 of the Education Code is
2 amended to read:
3 17280. (a) The Department of General Services
4 under the police power of the state shall supervise the
5 ~~design and construction of any school building or, if the~~
6 ~~estimated cost exceeds one hundred thousand dollars~~
7 ~~(\$100,000), the reconstruction or~~ *design and construction*
8 *of any school building or the reconstruction or* alteration
9 of or addition to any school building, to ensure that plans
10 and specifications comply with the rules and regulations
11 adopted pursuant to this article and building standards
12 published in Title 24 of the California Code of
13 Regulations, and to ensure that the work of construction
14 has been performed in accordance with the approved
15 plans and specifications, for the protection of life and
16 property. Nothing in this section shall be construed to



1 allow a school district to perform work with its own forces
2 in excess of the limitations set forth in Sections 17595 and
3 17599. In calculating the cost of any project of
4 reconstruction or alteration of, or addition to, any school
5 building for the purpose of determining the applicability
6 of the rules and regulations adopted pursuant to this
7 article and building standards published in Title 24 of the
8 California Code of Regulations, the Department of
9 General Services shall not include, as an element of that
10 cost, any expenses of air-conditioning equipment or
11 insulation materials for that building, or of installing the
12 equipment or materials.

13 (b) Whenever repairs due to fire damage, not
14 including any damage caused by wind or earthquake,
15 must be made to any school building previously approved
16 by the Department of General Services, the approved
17 plans and specifications used in the original work under
18 then existing rules, regulations, and building standards
19 may be used without modification, providing all other
20 provisions of this article are carried out.

21 (c) Notwithstanding any other provision of law, no
22 school district shall be authorized to construct or
23 reconstruct any school building, regardless of the source
24 of funding, unless and until the governing board of the
25 district, by resolution, has indicated the agreement of the
26 district that any school building construction or
27 reconstruction that exceeds those construction ~~cost~~ costs
28 and allowable area standards or any allowable building
29 area computed for an attendance area pursuant to
30 Section 17041 shall, in the event of the district's
31 subsequent application for state funding for school facility
32 construction, be deducted from the allowable building
33 area for which the district would otherwise have been
34 eligible, which restriction shall not be subject to waiver
35 or exception as otherwise may be provided by law.

36 If it is determined that, for any reason, a school district
37 failed to comply with the requirement of this section, the
38 district shall not be eligible for any additional building
39 area pursuant to Section 17049 and may be denied any



1 time priority established for the particular project
 2 pursuant to Section 17016.

3 SEC. 2. Section 17295 of the Education Code is
 4 amended to read:

5 17295. (a) The Department of General Services shall
 6 pass upon and approve or reject all plans for the
 7 construction ~~or, if the estimated cost exceeds one~~
 8 ~~hundred thousand dollars (\$100,000), the alteration of or,~~
 9 *if the estimated cost exceeds twenty-five thousand dollars*
 10 *(\$25,000), the alteration of any school building. To enable*
 11 *it to do so, the governing board of each school district and*
 12 *any other school authority before adopting any plans for*
 13 ~~such~~ *the school building shall submit the plans to the*
 14 *Department of General Services for approval, and shall*
 15 *pay the fees prescribed in this article.*

16 ~~Where the estimated cost of an alteration exceeds~~
 17 *(b) Where the estimated cost of the reconstruction or*
 18 *alteration of, or an addition to, any school building*
 19 *exceeds twenty-five thousand dollars (\$25,000) but does*
 20 *not exceed one hundred thousand dollars (\$100,000), a*
 21 *structural engineer shall examine the proposed project to*
 22 *determine if it is a nonstructural alteration or a structural*
 23 *alteration. If he or she determines that the project is a*
 24 *nonstructural alteration, he or she shall prepare a*
 25 *statement so indicating. If he or she determines that the*
 26 *project is structural, he or she shall prepare plans and*
 27 *specifications for the project and shall observe the work*
 28 *of construction. A copy of the engineer's report stating*
 29 *that the work does not affect structural elements, or a*
 30 ~~copy of the plans and specifications for structural work,~~
 31 ~~as the case may be, shall~~ *structural elements shall be filed*
 32 *with the Department of General Services.*

33 *(c) Notwithstanding Sections 4453 and 4454 of the*
 34 *Government Code, the department shall not review any*
 35 *plans or activities authorized pursuant to subdivision (b).*
 36 *However, any activity performed pursuant to subdivision*
 37 *(b) shall comply with all disabled access standards*
 38 *required pursuant to Section 4450 of the Government*
 39 *Code.*



1 (d) *The design professional in responsible charge of*
2 *the project undertaken pursuant to subdivision (b) shall*
3 *certify that the plans and specifications for the project*
4 *meet the structural requirements of the Field Act, any*
5 *applicable fire and life safety standards, and the disabled*
6 *access requirements of Section 4450 of the Government*
7 *Code, and shall submit this certification to the*
8 *department along with the document, if applicable,*
9 *required to be submitted pursuant to subdivision (b). The*
10 *letter of certification shall bear the identifying licensing*
11 *stamp or seal of the design professional. This provision*
12 *does not preclude a design professional from submitting*
13 *plans and specifications to the department along with the*
14 *appropriate fee for review.*

15 (e) *Within 10 days of the completion of any project*
16 *authorized pursuant to subdivision (b), the school*
17 *construction inspector of record on the project, who is*
18 *certified by the department to inspect school buildings,*
19 *shall certify in writing to the department that the*
20 *reconstruction, alteration, or addition has been*
21 *completed in compliance with the plans and*
22 *specifications.*

23 (f) *The dollar amounts cited in this section shall be*
24 *increased on an annual basis, commencing January 1,*
25 *1999, by the department according to an inflationary*
26 *index governing construction costs that is selected and*
27 *recognized by the department.*

28 (g) *No school district shall subdivide a project for the*
29 *purpose of evading the limitation on amounts cited in this*
30 *section.*

31 SEC. 3. Section 20111.5 of the Public Contract Code
32 is amended to read:

33 20111.5. (a) The governing board of the district may
34 require that each prospective bidder for a contract, as
35 described under Section 20111, complete and submit to
36 the district a standardized questionnaire and financial
37 statement in a form specified by the district, including a
38 complete statement of the prospective bidder's financial
39 ability and experience in performing public works. The
40 questionnaire and financial statement shall be verified



1 under oath by the bidder in the manner in which civil
2 pleadings in civil actions are verified. The questionnaires
3 and financial statements shall not be public records and
4 shall not be open to public inspection.

5 (b) Any school district requiring prospective bidders
6 to complete and submit questionnaires and financial
7 statements, as described in subdivision (a), shall adopt
8 and apply a uniform system of rating bidders on the basis
9 of the completed questionnaires and financial
10 statements, in order to determine the size of the contracts
11 upon which each bidder shall be deemed qualified to bid.

12 (c) Each prospective bidder on any contract
13 described under Section 20111 shall be furnished by the
14 school district letting the contract with a standardized
15 proposal form that, when completed and executed, shall
16 be submitted as his or her bid. Bids not presented on the
17 forms so furnished shall be disregarded.

18 (d) A proposal form required pursuant to subdivision
19 (c) shall not be accepted from any person or other entity
20 who is required to submit a completed questionnaire and
21 financial statement for prequalification pursuant to
22 subdivision (a), but has not done so at least five days prior
23 to the date fixed for the public opening of sealed bids or
24 has not been prequalified, pursuant to subdivision (b), for
25 at least one day prior to that date.

26 ~~(e) Any school district may require that all prospective~~
27 ~~bidders for a contract, as described under Section 20111,~~
28 ~~only submit a completed questionnaire and financial~~
29 ~~statement for prequalification required by subdivision~~
30 ~~(a) during the first 30 days of each of the four calendar~~
31 ~~quarters in a year. Any person, or other entity to whom~~
32 ~~this subdivision applies, is permitted to submit a bid~~
33 ~~proposal form, for contracts for which they are deemed~~
34 ~~qualified to bid, on the day in the calendar quarter that~~
35 ~~they are prequalified pursuant to subdivision (b) through~~
36 ~~the last day, without regard to the calendar year, of the~~
37 ~~third consecutive quarter following that quarter. This~~
38 ~~subdivision does not change any filing deadline required~~
39 ~~by a request for proposal published by a school district.~~



1 ~~Subdivision (d) is not applicable to any person or other~~
2 ~~entity who is subject to this subdivision.~~

3 *(e) Notwithstanding subdivision (d), any school*
4 *district may establish a process for prequalifying*
5 *prospective bidders pursuant to this section on a*
6 *quarterly basis and may authorize that prequalification to*
7 *be considered valid for up to one calendar year following*
8 *the date of initial prequalification.*

9 *SEC. 4. Section 81130 of the Education Code is*
10 *amended to read:*

11 81130. The Department of General Services under
12 the police power of the state shall supervise the design
13 and construction of any school building or, ~~if the~~
14 ~~estimated cost exceeds twenty thousand dollars~~
15 ~~(\$20,000)~~, the reconstruction or alteration of, or addition
16 to, any school building, to ensure that plans and
17 specifications comply with the rules and regulations
18 adopted pursuant to this article and building standards
19 published in Title 24 of the California Code of
20 Regulations, and to ensure that the work of construction
21 has been performed in accordance with the approved
22 plans and specifications, for the protection of life and
23 property. Nothing in this section shall be construed to
24 allow a community college district to perform work with
25 its own forces in excess of the limitations set forth in
26 Article 41 (commencing with Section 20650) of Part 3 of
27 Division 2 of the Public Contract Code.

28 Whenever repairs due to fire damage must be made to
29 any school building previously approved by the
30 Department of General Services, the approved plans and
31 specifications used in the original work under then
32 existing rules, regulations, and building standards may be
33 used without modification, providing all other provisions
34 of this article are carried out.

35 *SEC. 5. Section 81133 of the Education Code is*
36 *amended to read:*

37 81133. (a) The Department of General Services shall
38 pass upon and approve or reject all plans for the
39 construction or, if the estimated cost exceeds ~~twenty~~
40 ~~thousand dollars~~ ~~(\$20,000)~~ *twenty-five thousand dollars*



1 (\$25,000), the alteration of any school building. To enable
2 it to do so, the governing board of each community
3 college district and any other school authority before
4 adopting any plans for the school building shall submit the
5 plans to the Department of General Services for
6 approval, and shall pay the fees prescribed in this article.

7 ~~Where~~

8 *(b) Where the estimated cost of an alteration exceeds*
9 *ten thousand dollars (\$10,000) but does not exceed*
10 *twenty thousand dollars (\$20,000) reconstruction or*
11 *alteration of, or addition to, a school building exceeds*
12 *twenty-five thousand dollars (\$25,000), but does not*
13 *exceed one hundred thousand dollars (\$100,000), a*
14 *structural engineer shall examine the proposed project to*
15 *determine if it is a nonstructural alteration or a structural*
16 *alteration. If he or she determines that the project is a*
17 *nonstructural alteration, he or she shall prepare a*
18 *statement so indicating. If he or she determines that the*
19 *project is structural, he or she shall prepare plans and*
20 *specifications for the project and shall observe the work*
21 *of construction. A copy of the engineer's report stating*
22 *that the work does not affect structural elements, or a*
23 *copy of the plans and specifications for structural work,*
24 *as the case may be, shall be filed with the Department of*
25 *General Services.*

26 ~~(b)~~

27 *(c) Notwithstanding Sections 4453 and 4454 of the*
28 *Government Code, the department shall not review any*
29 *plans or activities authorized pursuant to subdivision (b).*
30 *However, any activity performed pursuant to subdivision*
31 *(b) shall comply with all disabled access standards*
32 *required pursuant to Section 4450 of the Government*
33 *Code.*

34 *(d) The design professional in responsible charge of*
35 *the project undertaken pursuant to subdivision (b) shall*
36 *certify that the plans and specifications for the project*
37 *meet the structural requirements of the Field Act, any*
38 *applicable fire and life safety standards, and the disabled*
39 *access requirements of Section 4450 of the Government*
40 *code, and shall submit this certification to the department*



1 along with the document, if applicable, required to be
2 submitted pursuant to subdivision (b). The letter of
3 certification shall bear the identifying licensing stamp or
4 seal of the design professional. This provision does not
5 preclude a design professional from submitting plans and
6 specifications to the department along with the
7 appropriate fee for review.

8 (e) Within 10 days of the completion of any project
9 authorized pursuant to subdivision (b), the school
10 construction inspector of record on the project, who is
11 certified by the department to inspect school buildings,
12 shall certify in writing to the department that the
13 reconstruction, alteration, or addition has been
14 completed in compliance with the plans and
15 specifications.

16 (f) The dollar amounts cited in this section shall be
17 increased on an annual basis, commencing January 1,
18 1999, by the department according to an inflationary
19 index governing construction costs that is selected and
20 recognized by the department.

21 (g) No school district shall subdivide a project for the
22 purpose of evading the limitation on amounts cited in this
23 section.

24 (h) Before letting any contract for any construction or
25 alteration of any school building, the written approval of
26 the plans, as to safety of design and construction, by the
27 Department of General Services, shall first be had and
28 obtained.

29 ~~(e)~~

30 (i) In each case the application for approval of the
31 plans shall be accompanied by the plans and full,
32 complete, and accurate specifications, and structural
33 design computations, and estimates of cost, which shall
34 comply in every respect with any and all requirements
35 prescribed by the Department of General Services.

36 ~~(d)~~

37 (j) The application shall be accompanied by a filing fee
38 in amounts as determined by the Department of General
39 Services based on the estimated cost according to the
40 following schedule:

1 (1) For the first one million dollars (\$1,000,000), a fee
2 of not more than 0.7 percent of the estimated cost.

3 (2) For all costs in excess of one million dollars
4 (\$1,000,000), a fee of not more than 0.6 percent of the
5 estimated cost.

6 The minimum fee in any case shall be two hundred fifty
7 dollars (\$250). If the actual cost exceeds the estimated
8 cost by more than 5 percent, a further fee shall be paid to
9 the Department of General Services, based on the above
10 schedule and computed on the amount by which the
11 actual cost exceeds the amount of the estimated cost.

12 ~~(e)~~

13 (k) All fees shall be paid into the State Treasury and
14 credited to the Division of Architecture Public Building
15 Fund, which fund is continued in existence and is retitled
16 the Architecture Public Building Fund, and are
17 continuously appropriated, without regard to fiscal years,
18 for the use of the Department of General Services,
19 subject to approval of the Department of Finance, in
20 carrying out the provisions of this article.

21 Adjustments in the amounts of the fees, as determined
22 by the Department of General Services and approved by
23 the Department of Finance, shall be made within the
24 limits set in subdivision ~~(d)~~ (j) in order to maintain a
25 reasonable working balance in the fund.

26 ~~(f)~~

27 (l) No contract for the construction or alteration of
28 any school building, made or executed by the governing
29 board of any community college district or other public
30 board, body, or officer otherwise vested with authority to
31 make or execute this contract, is valid, and no public
32 money shall be paid for any work done under this
33 contract or for any labor or materials furnished in
34 constructing or altering the building, unless the plans,
35 specifications, and estimates comply in every particular
36 with the provisions of this article and the requirements
37 prescribed by the Department of General Services and
38 unless the approval thereof in writing has first been had
39 and obtained from the Department of General Services.



1 *SEC. 6. This act is an urgency statute necessary for the*
2 *immediate preservation of the public peace, health, or*
3 *safety within the meaning of Article IV of the*
4 *Constitution and shall go into immediate effect. The facts*
5 *constituting the necessity are:*

6 *In order to help expedite, as soon as possible, the*
7 *approval process for structural alteration school*
8 *construction projects, it is necessary that this act take*
9 *effect immediately.*

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