

ARCHITECTURAL AND ENGINEERING SERVICES

The Board of Trustees shall engage the services of a licensed architect(s) holding a valid certificate or engineer(s) holding a valid certificate for the preparation of plans, specifications or estimates for any construction project, through a signed contract. (Education Code 17302)

~~(cf. 3312—Contracts)~~

Contractors for any private architectural, landscape architectural, engineering, environmental, land surveying or construction project management services shall be selected, at fair and reasonable prices, on the basis of demonstrated competence and professional qualifications necessary for the satisfactory performance of the services required. (Government Code 4526)

The Superintendent or designee shall ensure that the selection process for projects receiving state funding: (Government Code 4526)

1. Ensures that projects entail maximum participation by small business firms as defined pursuant to Government Code 14837
2. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
3. Prohibits District employees from participating in the selection process when they have a relationship with a person or business entity seeking a contract which would subject the employee to the prohibition of Government Code 87100

~~(cf. 9270—Conflict of Interest)~~

The selection process may also include: (Government Code 4527)

1. Detailed evaluations of current statements of prospective contractors' qualifications and performance data
2. Discussion of alternative approaches for furnishing the services with at least three firms
3. Selection of at least three firms deemed to be the most highly qualified to provide the required services, in accordance with established criteria and recommended in order of preference
4. Consultants' willingness to enter into the District model contract as prepared by legal counsel

~~Contracts shall specify that all plans, specifications and estimates prepared by the contractor shall become the property of the District. (Education Code 17316)~~

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

The District shall negotiate a contract with the best qualified firm at compensation determined by the District to be fair and reasonable. If the District is unable to negotiate a contract with the most qualified firm, the District shall negotiate a contract with the second most qualified firm and, if unsuccessful, with the third most qualified firm. If the District is unable to negotiate a satisfactory contract with any of the selected firms, the District shall select additional firms in order of their competence and qualification and continue negotiations until an agreement is reached. (Government Code 4528)

The above procedures shall not apply if the Superintendent or designee determines that the services needed are more of a technical nature and involve little professional judgment and that requiring bids would be in the public interest. (Government Code 4529)

Contracts shall specify that all plans, including, but not limited to, record drawings, specifications, and estimates prepared by the architect/engineer shall become the property of the District for the purpose of repair, maintenance, renovation, modernization, or other purposes, but only as they relate to the project for which the architect/engineer was retained. The contract shall also specify terms and conditions for reuse within the District of any plans prepared by the architect/engineer. (Education Code 17316)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

24 CCR 101
5 CCR 14001
5 CCR 14030-14036

Bus. Code 5500-5502
Bus. Code 5550-5558
Bus. Code 6700-6706.3
Bus. Code 6750-6767
CA Constitution Article 22
Ed. Code 17070.10-17079.30
Ed. Code 17250.10-17250.55
Ed. Code 17250.60-17250.69
Ed. Code 17251-17256

Ed. Code 17260-17268
Ed. Code 17280-17317
Ed. Code 17371

Description

California Building Standards Code
Minimum standards for school facilities
Standards, planning, and approval of school facilities
Architecture
Architects; licensure
Professional Engineers Act
Engineers; licensure
Architectural and engineering services
Leroy F. Greene School Facilities Act
Design-build contracts
Alternative design-build contracts
CDE powers concerning buildings and building sites
Plans and specifications for school facilities
Building approvals
Limitation on liability of governing board

ARCHITECTURAL AND ENGINEERING SERVICES (continued)

<u>Gov. Code 14837</u>	<u>Definition of small business</u>
<u>Gov. Code 4525-4529.5</u>	<u>Contracts with private architects, engineering, land surveying, and construction project management firms</u>
<u>Gov. Code 87100</u>	<u>Public officials; financial interest</u>
<u>Pub. Cont. Code 20110-20118.44</u>	<u>School district contracts</u>

Management Resources

California Department of Education Publication

California Department of Education Publication

Office of Public School Construction Publication

Website

Website

Website

Website

Website

Description

Plan Submission Requirements for Modernization Projects, Form SFPD 4.08

(<https://www.cde.ca.gov/ls/fa/sf/documents/rev408jul10.doc>)

Plan Submission Requirements for New Construction, Form SFPD 4.07

(<https://www.cde.ca.gov/ls/fa/sf/documents/jan2015407.doc>)

School Facility Program Handbook, January 2019

(<https://www.dgs.ca.gov/OPSC/Resources/Page-Content/Office-of-Public-School-Construction-Resources-List-Folder/Handbooks-Guides-and-Brochures>)

CSBA District and County Office of Education Legal Services

Department of General Services, Division of the State Architect

American Institute of Architects California Council

Department of General Services, Office of Public School Construction

California Department of Education, School Facilities

Cross References**Code**

1240

1240

3311

3311

3311.3

3312

3515.6

7000

7110

7150

7150

9270

9270-E(1)

Description

Volunteer Assistance

Volunteer Assistance

Bids

Bids

Design-Build Contracts

Contracts

Criminal Background Checks For Contractors

Concepts And Roles

Facilities Master Plan

Site Selection And Development

Site Selection And Development

Conflict Of Interest

Conflict Of Interest