

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. Assures 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

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

1. Evaluation of current statements of qualifications and performance data on file with the district and evaluation of statements that may be submitted by other firms regarding the proposed project
2. Discussion with at least three firms regarding anticipated concepts and the relative utility of alternative approaches for furnishing the required services
3. Selection, in order of preference, of at least three firms deemed to be the most highly qualified to provide the required services in accordance with established district criteria

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 or structural 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 or structural engineer was retained. The contract shall also specify terms and

conditions for reuse within the district of any plans prepared by the architect or structural engineer. (Education Code 17316)

A design-build contract may be awarded to a single entity for both design and construction of any school facility if the contract is in excess of \$1,000,000, or an alternative design-build contract may be awarded if the contract is in excess of \$5,000,000, as specified in Administrative Regulation 3311.3 - Design-Build Contracts. (Education Code 17250.20, 17250.62)

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	Description
24 CCR 101	California Building Standards Code
5 CCR 14001	Minimum standards for school facilities
5 CCR 14030-14036	Standards, planning, and approval of school facilities
Bus. Code 5500-5502	<u>Architecture</u>
Bus. Code 5550-5558	<u>Architects; licensure</u>
Bus. Code 6700-6706.3	<u>Professional Engineers Act</u>
Bus. Code 6750-6767	<u>Engineers; licensure</u>
CA Constitution Article 22	<u>Architectural and engineering services</u>
Ed. Code 17070.10-17079.30	<u>Leroy F. Greene School Facilities Act</u>
Ed. Code 17250.10-17250.55	<u>Design-build contracts</u>
Ed. Code 17250.60-17250.69	<u>Alternative design-build contracts</u>
Ed. Code 17251-17256	<u>CDE powers concerning buildings and building sites</u>
Ed. Code 17260-17268	<u>Plans and specifications for school facilities</u>
Ed. Code 17280-17317	<u>Building approvals</u>
Ed. Code 17371	<u>Limitation on liability of governing board</u>
Gov. Code 14837	<u>Definition of small business</u>
Gov. Code 4525-4529.5	<u>Contracts with private architects, engineering, land surveying, and construction project management firms</u>
Gov. Code 87100	<u>Public officials; financial interest</u>
Pub. Cont. Code 20110-20118.44	<u>School district contracts</u>

Management Resources	Description
California Department of Education Publication	<u>Plan Submission Requirements for Modernization Projects, Form SFPD 4.08</u>

California Department of Education Publication	<u>Plan Submission Requirements for New Construction, Form SFPD 4.07</u>
Office of Public School Construction Publication	<u>School Facility Program Handbook, January 2019</u>
Website	<u>CSBA District and County Office of Education Legal Services</u>
Website	<u>Department of General Services, Division of the State Architect</u>
Website	<u>American Institute of Architects California Council</u>
Website	<u>Department of General Services, Office of Public School Construction</u>
Website	<u>California Department of Education, School Facilities</u>

Cross References

Code	Description
1240	<u>Volunteer Assistance</u>
1240	<u>Volunteer Assistance</u>
3311	<u>Bids</u>
3311	<u>Bids</u>
3311.3	<u>Design-Build Contracts</u>
3312	<u>Contracts</u>
3515.6	<u>Criminal Background Checks For Contractors</u>
7000	<u>Concepts And Roles</u>
7110	<u>Facilities Master Plan</u>
7150	<u>Site Selection And Development</u>
7150	<u>Site Selection And Development</u>
9270	<u>Conflict Of Interest</u>
9270-E(1)	<u>Conflict Of Interest</u>