

**ARCHITECTURAL AND ENGINEERING SERVICES**

The Governing Board desires to provide school facilities that support the educational program and meet all applicable safety and design standards. When required by law, the Board shall employ or contract with a licensed and certified architect and/or structural engineer to design and supervise the construction of district schools and other facilities.

*(cf. 7110 - Facilities Master Plan)*

The architect and/or structural engineer shall be responsible for preparing all construction plans, specifications, and estimates and for the observation of the work of construction. (Education Code 17302)

To ensure compliance with state design and safety standards, preliminary and final plans for any state-funded school facility project, including Board-approved educational specifications for school design when necessary, shall be submitted to the California Department of Education and the Department of General Services, Division of the State Architect. (Education Code 17267; 5 CCR 14030-14032)

The Superintendent or designee shall devise a competitive process for the selection of architects, structural engineers, and other design professionals that is based on demonstrated competence and on the professional qualifications necessary for the satisfactory performance of the services required. For each project, the Superintendent or designee shall recommend architectural and engineering firms to the Board for approval. The Board shall pay fair and reasonable amounts warranted by the provider's qualifications and competence. The Board need not select the lowest responsible bidder.

*(cf. 3311 - Bids)*

*(cf. 3311.3 - Design-Build Contracts)*

*Legal Reference: (see next page)*

## **ARCHITECTURAL AND ENGINEERING SERVICES (continued)**

### *Legal Reference:*

#### *EDUCATION CODE*

*17070.10-17079.30 Leroy F. Greene School Facilities Act, especially:*

*17070.50 Conditions for apportionment*

*17250.10-17250.55 Design-build contracts*

*17251 School construction; duties of the California Department of Education*

*17262-17268 School construction plans*

*17280-17316 Approvals, especially:*

*17302 Persons qualified to prepare plans, specifications and estimates and supervise construction*

*17316 Contract provision regarding school district property*

*17371 Limitation on liability of governing board*

#### *BUSINESS AND PROFESSIONS CODE*

*5500-5502 Architecture*

*5550-5558 Architects, licensure*

*6700-6706.3 Engineers*

*6750-6766 Engineers, licensure*

#### *GOVERNMENT CODE*

*4525-4529.5 Contracts with private architects, engineering, land surveying, and construction project management firms*

*14837 Definition of small business*

*87100 Public officials; financial interest*

#### *PUBLIC CONTRACT CODE*

*20111 School district contracts*

#### *CODE OF REGULATIONS, TITLE 5*

*14001 Minimum standards for school facilities*

*14030-14036 Standards, planning, and approval of school facilities*

#### *CODE OF REGULATIONS, TITLE 24*

*101 et seq. California Building Standards Code*

#### *CALIFORNIA CONSTITUTION*

*Article 22 Architectural and engineering services*

### *Management Resources:*

#### *CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*Plan Submission Requirements for Modernization Projects, Form SFPD 4.08*

*Plan Submission Requirements for New Construction, Form SFPD 4.07*

#### *OFFICE OF PUBLIC SCHOOL CONSTRUCTION PUBLICATIONS*

*School Facility Program Handbook, January 2019*

#### *WEB SITES*

*American Institute of Architects California Council: <https://aiacalifornia.org>*

*California Department of Education, Facilities: <http://www.cde.ca.gov/lr/fa>*

*Department of General Services, Division of the State Architect: <https://www.dgs.ca.gov/DSA>*

*Department of General Services, Office of Public School Construction: <https://www.dgs.ca.gov/OPSC>*

Policy

adopted: April 14, 1997

revised: March 24, 2020

**VISALIA UNIFIED SCHOOL DISTRICT**

Visalia, California

**ARCHITECTURAL AND ENGINEERING SERVICES**

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)

**ARCHITECTURAL AND ENGINEERING SERVICES** (continued)

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)

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**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.

<b>State</b>	<b>Description</b>
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	Architecture
Bus. Code 5550-5558	Architects; licensure
Bus. Code 6700-6706.3	Professional Engineers Act
Bus. Code 6750-6767	Engineers; licensure
CA Constitution Article 22	Architectural and engineering services
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act
Ed. Code 17250.10-17250.55	Design-build contracts
Ed. Code 17250.60-17250.69	Alternative design-build contracts
Ed. Code 17251-17256	CDE powers concerning buildings and building sites
Ed. Code 17260-17268	Plans and specifications for school facilities
Ed. Code 17280-17317	Building approvals
Ed. Code 17371	Limitation on liability of governing board
Gov. Code 14837	Definition of small business
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms
Gov. Code 87100	Public officials; financial interest
Pub. Cont. Code 20110-20118.44	School district contracts
<b>Management Resources</b>	<b>Description</b>
California Department of Education Publication	Plan Submission Requirements for Modernization Projects, Form SFPD 4.08
California Department of Education Publication	Plan Submission Requirements for New Construction, Form SFPD 4.07

**ARCHITECTURAL AND ENGINEERING SERVICES** (continued)

Office of Public School Construction Publication	School Facility Program Handbook, January 2019
Website	CSBA District and County Office of Education Legal Services
Website	Department of General Services, Division of the State Architect
Website	American Institute of Architects California Council
Website	Department of General Services, Office of Public School Construction
Website	California Department of Education, School Facilities

**Cross References**

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

Regulation  
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Visalia, California