

**Regulation 7140: Architectural And Engineering Services**

Status: DRAFT

Original Adopted Date: 03/05/2013 | Last Reviewed Date: 03/05/2013

The Governing Board 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)

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 ~~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. Detailed evaluations ~~Evaluation~~ of current statements of prospective contractors' 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 with at least three firms
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 and recommended in order of preference

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

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 References

	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	Architecture - <a href="https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOW==">https://simbli.eboardsolutions.com/SU/chmXQoLdkJZTYNMslshkHBDOW==</a>
Bus. Code 5550-5558	Architects; licensure - <a href="https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==">https://simbli.eboardsolutions.com/SU/UyZzhv52fm9PvrEsYslshaHcA==</a>
Bus. Code 6700-6706.3	Professional Engineers Act - <a href="https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==">https://simbli.eboardsolutions.com/SU/bBefhrralfLA07Z2EQslshDdA==</a>
Bus. Code 6750-6767	Engineers; licensure - <a href="https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==">https://simbli.eboardsolutions.com/SU/Qe2hfeSyEdFu2usimyKgbw==</a>
CA Constitution Article 22	Architectural and engineering services - <a href="https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==">https://simbli.eboardsolutions.com/SU/ZtV8XThbS9U8y9M0GIVVKA==</a>
Ed. Code 17070.10-17079.30	Leroy F. Greene School Facilities Act - <a href="https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==">https://simbli.eboardsolutions.com/SU/fu4PsUtUAb4qYYOY9breHg==</a>
Ed. Code 17250.10-17250.55	Design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==">https://simbli.eboardsolutions.com/SU/KyAwX1K9LOug3Oc4uUy4Rw==</a>
Ed. Code 17250.60-17250.69	Alternative design-build contracts - <a href="https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==">https://simbli.eboardsolutions.com/SU/TP1PLVltclqEnCDslhhiHQ==</a>
Ed. Code 17251-17256	CDE powers concerning buildings and building sites - <a href="https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==">https://simbli.eboardsolutions.com/SU/NwS3Om8nmJ04Yslsho0jqlt8A==</a>
Ed. Code 17260-17268	Plans and specifications for school facilities - <a href="https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==">https://simbli.eboardsolutions.com/SU/K93eKC5SslshBGM5azLOpZgig==</a>
Ed. Code 17280-17317	Building approvals - <a href="https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjizroyZQ==">https://simbli.eboardsolutions.com/SU/b55kmLnLzeyc5PjizroyZQ==</a>
Ed. Code 17371	Limitation on liability of governing board - <a href="https://simbli.eboardsolutions.com/SU/d56uwclTvplussgYGebp99UTw==">https://simbli.eboardsolutions.com/SU/d56uwclTvplussgYGebp99UTw==</a>
Gov. Code 14837	Definition of small business - <a href="https://simbli.eboardsolutions.com/SU/c3i4e2xmxHs5PpVTCh63Qw==">https://simbli.eboardsolutions.com/SU/c3i4e2xmxHs5PpVTCh63Qw==</a>
Gov. Code 4525-4529.5	Contracts with private architects, engineering, land surveying, and construction project management firms - <a href="https://simbli.eboardsolutions.com/SU/u3t4hVRrP0xRvORn2OtLmA==">https://simbli.eboardsolutions.com/SU/u3t4hVRrP0xRvORn2OtLmA==</a>
Gov. Code 87100	Public officials; financial interest - <a href="https://simbli.eboardsolutions.com/SU/QchMgplusAyDf6dKHslshcFZKU6A==">https://simbli.eboardsolutions.com/SU/QchMgplusAyDf6dKHslshcFZKU6A==</a>
Pub. Cont. Code 20110-20118.44	School district contracts - <a href="https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==">https://simbli.eboardsolutions.com/SU/jLPOBzEdUi3MbupK2Q9JYw==</a>

### Management Resources References

	Description
California Department of Education Publication	Plan Submission Requirements for Modernization Projects, Form SFPD 4.08 - <a href="https://simbli.eboardsolutions.com/SU/AB4LcZw74cBl1fpPipluswu0w==">https://simbli.eboardsolutions.com/SU/AB4LcZw74cBl1fpPipluswu0w==</a>
California Department of Education Publication	Plan Submission Requirements for New Construction, Form SFPD 4.07 - <a href="https://simbli.eboardsolutions.com/SU/DZkNXR40KMZ1VKbKpOYL3A==">https://simbli.eboardsolutions.com/SU/DZkNXR40KMZ1VKbKpOYL3A==</a>
Office of Public School Construction Publication	School Facility Program Handbook, January 2019 - <a href="https://simbli.eboardsolutions.com/SU/eHGIMKVqSUBhe1qjhtPt8g==">https://simbli.eboardsolutions.com/SU/eHGIMKVqSUBhe1qjhtPt8g==</a>

Website	CSBA District and County Office of Education Legal Services - <a href="https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==">https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==</a>
Website	Department of General Services, Division of the State Architect - <a href="https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==">https://simbli.eboardsolutions.com/SU/huMEQzfSOWplusnHrFTqCAVZw==</a>
Website	American Institute of Architects California Council - <a href="https://simbli.eboardsolutions.com/SU/1jDPdUHfCFt8sXf4176tpA==">https://simbli.eboardsolutions.com/SU/1jDPdUHfCFt8sXf4176tpA==</a>
Website	Department of General Services, Office of Public School Construction - <a href="https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==">https://simbli.eboardsolutions.com/SU/UxUcDGuszWNedr16Dp8wuQ==</a>
Website	California Department of Education, School Facilities - <a href="https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFesIshYA==">https://simbli.eboardsolutions.com/SU/ATZTQPd7NwSB3FBNcFesIshYA==</a>

## Cross References

1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/s1kDPms91ZsIshXvtuUxCKMdw==">https://simbli.eboardsolutions.com/SU/s1kDPms91ZsIshXvtuUxCKMdw==</a>
1240	Volunteer Assistance - <a href="https://simbli.eboardsolutions.com/SU/KR2sg4KWAHgxai0qdzjyQA==">https://simbli.eboardsolutions.com/SU/KR2sg4KWAHgxai0qdzjyQA==</a>
3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/J4XkQpluspDuFoUxMKd4ZKyMA==">https://simbli.eboardsolutions.com/SU/J4XkQpluspDuFoUxMKd4ZKyMA==</a>
3311	Bids - <a href="https://simbli.eboardsolutions.com/SU/a4y4guyMC9pHn8Kcpluse1nWw==">https://simbli.eboardsolutions.com/SU/a4y4guyMC9pHn8Kcpluse1nWw==</a>
3311.3	Design-Build Contracts - <a href="https://simbli.eboardsolutions.com/SU/bVRqQXnHdSHcv1HR6rA5TA==">https://simbli.eboardsolutions.com/SU/bVRqQXnHdSHcv1HR6rA5TA==</a>
3312	Contracts - <a href="https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==">https://simbli.eboardsolutions.com/SU/RtEPentWF4fC8KdSsZuiQQ==</a>
3515.6	Criminal Background Checks For Contractors - <a href="https://simbli.eboardsolutions.com/SU/jkVusIsh6DQki3OcSQfgpcE8g==">https://simbli.eboardsolutions.com/SU/jkVusIsh6DQki3OcSQfgpcE8g==</a>
7000	Concepts And Roles - <a href="https://simbli.eboardsolutions.com/SU/07KE8slshwQslshJkrLHRsaM1fFQ==">https://simbli.eboardsolutions.com/SU/07KE8slshwQslshJkrLHRsaM1fFQ==</a>
7110	Facilities Master Plan - <a href="https://simbli.eboardsolutions.com/SU/GEoD0ula9zPbLuKplus3ePpYA==">https://simbli.eboardsolutions.com/SU/GEoD0ula9zPbLuKplus3ePpYA==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/ddag2AWpiJ0DC2b5Z7G5sw==">https://simbli.eboardsolutions.com/SU/ddag2AWpiJ0DC2b5Z7G5sw==</a>
7150	Site Selection And Development - <a href="https://simbli.eboardsolutions.com/SU/6mNqyZ86VKTqlvgplussO7MvA==">https://simbli.eboardsolutions.com/SU/6mNqyZ86VKTqlvgplussO7MvA==</a>
9270	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/ksIshWb67m6F32w10hhDzipvw==">https://simbli.eboardsolutions.com/SU/ksIshWb67m6F32w10hhDzipvw==</a>
9270-E(1)	Conflict Of Interest - <a href="https://simbli.eboardsolutions.com/SU/Jiq2Oa5TdUplusXFull8rqeDA==">https://simbli.eboardsolutions.com/SU/Jiq2Oa5TdUplusXFull8rqeDA==</a>