

AMENDED IN SENATE JUNE 13, 2006

AMENDED IN SENATE JULY 6, 2005

AMENDED IN ASSEMBLY APRIL 4, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 162**

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**Introduced by Assembly Member Leslie**

January 18, 2005

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~~An act to add and repeal Section 81133.2 of the Education Code, relating to community colleges, and making an appropriation therefor. An act to amend Sections 17305, 81133, and 81135 of, to add Sections 81133.1 and 81133.2 to, and to add Article 3.3 (commencing with Section 17319) to Chapter 3 of Part 10.5 of, the Education Code, relating to school facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 162, as amended, Leslie. ~~Community colleges: School facilities: Department of General Services: California Community Colleges.~~

Existing law establishes the *public school system in this state*. Existing law also establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of *school districts and county offices of education, as well as community college districts under the administration of community college governing boards*, and authorizes these districts to provide instruction at *public elementary and secondary schools and community college campuses* throughout the state.

Existing law requires the Department of General Services to supervise the design and construction of certain school buildings, including *elementary and secondary schools, as well as* specified community college facilities, to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law also requires the department to pass upon and approve or reject all plans for the construction of, and in some cases, the alteration of, any school building subject to those provisions, and to inspect the school buildings and work of construction or alteration to an extent that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of the students, the instructors, and the public. These requirements are part of the body of law known as the Field Act.

~~The bill would also declare the intent of the Legislature that the Department of General Services design, develop, and implement a pilot process that would act as an alternate to the existing approval process to achieve specified goals, with the pilot program to include specified provisions and requirements, including the following: that the Department of General Services work in partnership with specified entities; that the Department of General Services be authorized to develop policies and procedures to ensure the success of the collaborative effort and pilot model; that the Department of General Services evaluate existing policies relative to this bill to eliminate or update those policies to conform to current nationally accepted standards, with all policies not adopted through the Building Standards Commission process to have an identified termination date; and that the Department of General Services, in collaboration with the Board of Governors of the California Community Colleges, be authorized to develop a Division of the State Architect academy with a training curriculum, as specified.~~

~~This bill would require the Department of General Services to review community college facility plans at appropriate stages, in accordance with certain requirements.~~

~~The bill would require the Department of General Services and the Board of Governors of the California Community Colleges to enter into a collaborative process to improve the quality and efficiency of design of community college buildings and to collaboratively provide training to specified persons concerning the plan review process. The~~

~~bill would require that a fee be charged to participants in the training sufficient to cover the full costs of developing and providing training and that these fees be paid into the continuously appropriated Public School Planning, Design, and Construction Review Revolving Fund. The bill would require that the moneys in the fund be used, in accordance with an agreement entered into for this purpose, to reimburse the department and the board of governors for costs they incur under the bill. The bill would thereby make an appropriation by authorizing a new use of moneys deposited in the fund.~~

~~The bill would require the Department of General Services to evaluate the costs, savings, and overall efficacy of the plan review process established under the bill and to submit its findings and recommendations with respect to this evaluation to the board of governors, the Governor, and the chairpersons of the appropriate policy committees of the Legislature no later than January 1, 2008.~~

~~These provisions would be repealed as of January 1, 2010.~~

*This bill would require the department to establish procedures and requirements governing the use of the collaborative process for project development and review alternative to ensure the public safety of school buildings serving kindergarten and grades 1 to 12, inclusive, as well as community college buildings, through a collaborative, consistent, and timely project development and review process. The bill would require the department, in consultation with participating school districts and community college districts, to establish mutually determined timeframe goals for a project's plan review, district and consultant response, response review, and final approval. The bill would require the timeframe goals to reflect the project's estimated construction cost, complexity, and size, and other requirements of the collaborative process for project development and review.*

*The bill would require the department to establish model statewide timeframe goals by February 1, 2007, and to submit a preliminary report to the Legislature by July 1, 2008, and a final report by July 1, 2009, that address whether the implementation of the collaborative process for project development and review has assisted the department, the school districts, and the community college districts in meeting their timeframe goals.*

*The bill would authorize the department to establish a procedure for the payment and collection of a specified filing fee that would be imposed by the department in connection with the submission of an application for the collaborative process for project development and*

review. The bill would authorize the department to establish a procedure for the determination, payment, and collection of specified additional costs by the participating school district or community college district.

The bill would establish alternative procedures pursuant to which the department, at its discretion, may advertise and award contracts for a qualified plan review firm or a qualified construction oversight firm for assistance in performing the plan review and construction oversight required by existing law. Under these alternative procedures, the bill would authorize the department to request statements of qualifications from interested firms. The bill would require the department to announce the statements of qualifications through specified means, and would require those statements to describe the general scope of services to be provided within each generic project category for plan review or construction oversight services that the department anticipates may be awarded during the period covered by the announcement. The bill would require the department to evaluate the statements of qualifications and a list of qualified firms that meet certain requirements. The bill would require the department to contact firms on a rotational basis to distribute the work in a fair and equitable manner and to determine that the firm has sufficient staff and is available for the performance of the project. Upon selecting a qualified firm, the bill would require the department to negotiate a contract for the services that includes a price and timeframe that it determines to be fair and reasonable.

The bill would also make various nonsubstantive technical and conforming changes.

Vote: majority. Appropriation: ~~yes~~-no. Fiscal committee: yes. State-mandated local program: no.

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

- 1     SECTION 1. The Legislature finds and declares all of the
- 2     following:
- 3     (a) Current law requires the Department of General Services
- 4     to review and approve plans for community college and school
- 5     buildings serving kindergarten and grades 1 to 12, inclusive,
- 6     after the plans are completed by the building designers in
- 7     accordance with the Field Act.

1     ***(b) Because of the increasing complexity of building design,***  
2 ***especially seismic requirements, it is costly and time consuming***  
3 ***for building designers to change the design of a building after the***  
4 ***plans are completed.***

5     ***(c) Returning plans after review for corrections or redesign***  
6 ***can delay the completion and use of the building.***

7     ***(d) Early collaboration among the Department of General***  
8 ***Services, community college districts, school districts, and their***  
9 ***design professionals during critical stages of the building design***  
10 ***and project development process will facilitate the early***  
11 ***identification and resolution of technical issues, and thus reduce***  
12 ***the probability that significant changes in the building plans will***  
13 ***be required after plan review. The current project submittal and***  
14 ***plan review process established by existing law does not formally***  
15 ***accommodate, prior to design completion, this desired degree of***  
16 ***collaboration and issue resolution between these parties.***

17     ***(e) The Legislature acknowledges that the Department of***  
18 ***General Services and the Board of Governors of the California***  
19 ***Community Colleges have entered into a memorandum of***  
20 ***understanding for the development and implementation of the***  
21 ***collaborative process for project development and review to***  
22 ***ensure the public safety of community college facilities through a***  
23 ***collaborative, consistent, and timely project development and***  
24 ***plan review process.***

25     ***(f) This process may be made available to community college***  
26 ***districts and school districts serving kindergarten and grades 1***  
27 ***to 12, inclusive, on a voluntary basis, as an alternative to the***  
28 ***traditional plan review and approval process currently provided***  
29 ***by the Department of General Services. The collaborative***  
30 ***process for project development and review involves the early***  
31 ***and full participation of all parties involved in the development,***  
32 ***plan review, construction, and certification of facilities projects***  
33 ***on behalf of community college districts and school districts***  
34 ***serving kindergarten and grades 1 to 12, inclusive. These parties***  
35 ***include the Department of General Services staff, qualified plan***  
36 ***review firms, community college districts, school districts, and***  
37 ***their design professionals.***

38     ***SEC. 2. Section 17305 of the Education Code is amended to***  
39 ***read:***

1 17305. (a) ~~Notwithstanding Section 14952 of the~~  
2 ~~Government Code, the Department of General Services shall~~  
3 ~~contract with a sufficient number of qualified plan review firms~~  
4 ~~for assistance in performing the plan review required under this~~  
5 ~~article or Article 5 (commencing with Section 17350):~~

6 ~~(b) For purposes of this article, “qualified~~ *Unless the context*  
7 *otherwise requires, the definitions set forth in this section govern*  
8 *the construction of this article.*

9 *(1) “Prequalified list” means a list of qualified firms*  
10 *established by the Department of General Services to perform*  
11 *specific types of plan review or construction oversight services.*

12 *(2) “Qualified plan review firm” means an individual, firm, or*  
13 *the building official of a city, a county, or a city and county, as*  
14 *defined in Section 18949.27 of the Health and Safety Code, or*  
15 *the authorized representative of the building official that is*  
16 *identified by the Department of General Services as having*  
17 *appropriate expertise and knowledge of the requirements that*  
18 *apply to school buildings under this article.* ~~The~~

19 *(b) The department shall establish and maintain a list of* ~~the~~  
20 ~~individuals and firms, and building officials or the authorized~~  
21 ~~representatives of building officials so identified~~ *qualified plan*  
22 *review firms, and shall make that list available, upon request, to*  
23 *school districts and other interested parties.*

24 *(c) Notwithstanding Section 14952 of the Government Code,*  
25 *the Department of General Services shall contract with sufficient*  
26 *numbers of qualified plan review firms for assistance in*  
27 *performing the plan review required under this article or Article*  
28 *5 (commencing with Section 17350).*

29 *(d) At the discretion of the Department of General Services,*  
30 *contracts for a qualified plan review firm or a qualified*  
31 *construction oversight firm made pursuant to this article may be*  
32 *advertised and awarded in accordance with this section.*

33 *(e) (1) The Department of General Services may establish*  
34 *prequalified lists of qualified firms in accordance with this*  
35 *subdivision.*

36 *(2) (A) For each type of plan review or construction oversight*  
37 *work for which the department elects to use the process*  
38 *established by this section for advertising and awarding*  
39 *contracts, the Department of General Services may request*  
40 *statements of qualifications from interested firms.*

1 (B) *The request for statements of qualifications shall be*  
2 *announced statewide through the California State Contracts*  
3 *Register and publications of relevant professional societies.*

4 (C) *Each announcement shall describe the general scope of*  
5 *services to be provided within each generic project category for*  
6 *plan review or construction oversight services that the*  
7 *Department of General Services anticipates may be awarded*  
8 *during the period covered by the announcement. For the*  
9 *purposes of this section, a generic project category shall be*  
10 *defined in a manner that each specific project to be awarded*  
11 *within that discipline meets all of the following requirements:*

12 (i) *The project is substantially similar to all other projects*  
13 *within that discipline.*

14 (ii) *The project is within the same size range and geographical*  
15 *area.*

16 (iii) *The project requires substantially similar skills and*  
17 *magnitude of professional effort as compared to every other*  
18 *project within that discipline.*

19 (3) *The Department of General Services shall evaluate the*  
20 *statements of qualifications and a list of qualified firms that meet*  
21 *the criteria established and published by the Department of*  
22 *General Services. Interviews may be held to determine a firm's*  
23 *qualifications. Lists of qualified plan review firms and*  
24 *construction supervision firms shall be maintained by the*  
25 *Department of General Services for not more than four years.*

26 (4) *During the term of a prequalified list, as specific projects*  
27 *are identified by the Department of General Services as being*  
28 *eligible for contracting, the Department of General Services*  
29 *shall contact a firm on the prequalified list, on a rotational basis,*  
30 *for both of the following purposes:*

31 (A) *To distribute the work in a fair and equitable manner.*

32 (B) *To determine that the firm has sufficient staff and is*  
33 *available for performance of the project.*

34 (5) *If the contacted firm is not available, the Department of*  
35 *General Services shall continue to contact firms on the*  
36 *prequalified list, on a rotational basis, until an available firm is*  
37 *identified.*

38 (6) *The Department of General Services shall negotiate a*  
39 *contract for the services with the identified firm, including a*  
40 *price and timeframe that it determines is fair and reasonable.*

1 (7) *If the identified plan review firm or construction*  
2 *supervision firm is unable to negotiate a satisfactory contract*  
3 *with the Department of General Services, that department shall*  
4 *terminate negotiations, on a rotational basis, with the next firm*  
5 *available for performance from the prequalified list until a*  
6 *successful negotiation is achieved. If the Department of General*  
7 *Services is unable to negotiate a satisfactory contract with a firm*  
8 *on two separate occasions, that firm may be removed from the*  
9 *prequalified list.*

10 (f) *Contracts for plan review and construction oversight*  
11 *services that the Department of General Services elects to*  
12 *advertise and award in accordance with this section are not*  
13 *subject to Chapter 10 (commencing with Section 4525) of*  
14 *Division 5 of Title 1 of the Government Code.*

15 *SEC. 3. Article 3.3 (commencing with Section 17319) is*  
16 *added to Chapter 3 of Part 10.5 of the Education Code, to read:*

17  
18 *Article 3.3. Collaborative Process for Project Development*  
19 *and Review*

20  
21 *17319. (a) The Legislature finds and declares all of the*  
22 *following:*

23 (1) *The purpose of the collaborative process for project*  
24 *development and review is to ensure the public safety of school*  
25 *facilities through a collaborative, consistent, and timely project*  
26 *development and review process.*

27 (2) *The collaborative process for project development and*  
28 *review may be made available, as an alternative to the*  
29 *traditional plan review and approval process, to school districts*  
30 *that voluntarily apply to the Department of General Services.*

31 (3) *This process entails the early participation of all parties*  
32 *involved in a project from project development and continuing*  
33 *through plan review, construction, and certification of school*  
34 *facilities projects. These parties include the Department of*  
35 *General Services' staff and their qualified plan review firms, and*  
36 *school districts and their design professionals.*

37 (b) *The Department of General Services shall establish*  
38 *procedures and requirements governing the use of the*  
39 *collaborative process for project development and review*  
40 *alternative. These procedures and requirements shall include an*

1 application and selection process. Upon project selection, the  
2 Department of General Services and the school district shall  
3 mutually agree to the roles and responsibilities of the  
4 Department of General Services, the applicant school district,  
5 and its design professionals.

6 (c) As a part of the establishment of the requirements for the  
7 collaborative process for project development and review, the  
8 Department of General Services, in consultation with  
9 participating school districts, shall establish mutually determined  
10 timeframe goals for a project's plan review, district and  
11 consultant response, response review, and final approval. Those  
12 timeframe goals shall reflect the project's estimated construction  
13 cost, complexity, size, and other requirements of the  
14 collaborative process for project development and review.

15 (d) The Department of General Services shall establish model  
16 statewide timeframe goals, in consultation with school districts  
17 and other relevant parties, by February 1, 2007. Implementation  
18 of the collaborative process for project development and review  
19 with participating districts shall not negatively impact the  
20 traditional plan review process with other districts.

21 (e) The Department of General Services shall submit a  
22 preliminary report to the Legislature by July 1, 2008, and a final  
23 report by July 1, 2009. These reports shall address whether the  
24 implementation of the collaborative process for project  
25 development and review has assisted the department and school  
26 districts in meeting their mutually determined timeframe goals.

27 (f) Notwithstanding Section 17300, the application for the  
28 collaborative process for project development and review may be  
29 accompanied by a filing fee from the school district in amounts  
30 determined by the Department of General Services based on the  
31 estimated project cost and according to the fee schedule  
32 identified in subdivisions (a) to (c), inclusive, of Section 17300.  
33 The Department of General Services may establish a procedure  
34 for the payment and collection of this filing fee.

35 (g) Any additional costs incurred by the Department of  
36 General Services in the collaborative process for project  
37 development and review shall be paid by the participating school  
38 district to the Department of General Services. The Department  
39 of General Services shall establish a procedure for the  
40 determination, payment, and collection of these additional costs.

1 (h) During project development, the school district may  
2 provide input to the Department of General Services in its  
3 selection of a qualified plan review firm to provide consultative  
4 services to that department. Upon project submittal by the  
5 applicant school district, the department shall also refer the  
6 necessary project documents to the selected qualified plan review  
7 firm for plan review. The department shall establish procedures  
8 governing the use of this article by applicant school districts for  
9 the selection of a qualified plan review firm.

10 SEC. 4. Section 81133 of the Education Code is amended to  
11 read:

12 81133. (a) The Department of General Services shall pass  
13 upon, and approve or reject, all plans for the construction or, if  
14 the estimated cost exceeds twenty-five thousand dollars  
15 (\$25,000), the alteration of any school building. To enable it to  
16 do so, the governing board of each community college district  
17 and any other school authority before adopting any plans for the  
18 school building shall submit the plans to the Department of  
19 General Services for approval, and shall pay the fees prescribed  
20 in this article.

21 (b) Notwithstanding subdivision (a), where the estimated cost  
22 of reconstruction or alteration of, or addition to, a school building  
23 exceeds twenty-five thousand dollars (\$25,000), but does not  
24 exceed one hundred thousand dollars (\$100,000), a licensed  
25 structural engineer shall examine the proposed project to  
26 determine if it is a nonstructural alteration or a structural  
27 alteration. If he or she determines that the project is a  
28 nonstructural alteration, he or she shall prepare a statement so  
29 indicating. If he or she determines that the project is structural, he  
30 or she shall prepare plans and specifications for the project which  
31 shall be submitted to the Department of General Services for  
32 review and approval. A copy of the engineer's report stating that  
33 the work does not affect structural elements shall be filed with  
34 the Department of General Services.

35 (c) If a licensed structural engineer submits a report to the  
36 Department of General Services stating that the plans or activities  
37 authorized pursuant to subdivision (b) do not involve structural  
38 elements, then all of the following shall apply to that project:

39 (1) The design professional in responsible charge of the  
40 project undertaken pursuant to this subdivision shall certify that

1 the plans and specifications for the project meet any applicable  
2 fire and life safety standards, and do not affect the disabled  
3 access requirements of Section 4450 of the Government Code,  
4 and shall submit this certification to the department. The letter of  
5 certification shall bear the identifying licensing stamp or seal of  
6 the design professional. This provision does not preclude a  
7 design professional from submitting plans and specifications to  
8 the department along with the appropriate fee for review.

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

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

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

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

26 (6) In each case the application for approval of the plans shall  
27 be accompanied by the plans and full, complete, and accurate  
28 specifications, and structural design computations, and estimates  
29 of cost, which shall comply in every respect with any and all  
30 requirements prescribed by the Department of General Services.

31 (7) (A) The application shall be accompanied by a filing fee in  
32 amounts as determined by the Department of General Services  
33 based on the estimated cost according to the following schedule:

34 ~~(A)~~

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

37 ~~(B)~~

38 (ii) For all costs in excess of one million dollars (\$1,000,000),  
39 a fee of not more than 0.6 percent of the estimated cost.

40 ~~The~~

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

7 (8) (A) All fees shall be paid into the State Treasury and  
 8 credited to the ~~Division of Architecture Public Building~~ *Public*  
 9 *School Planning, Design, and Construction Review Revolving*  
 10 *Fund*, which fund is continued in existence and is retitled the  
 11 *Architecture Public Building Fund*, and are continuously  
 12 appropriated, without regard to fiscal years, for the use of the  
 13 Department of General Services, subject to approval of the  
 14 Department of Finance, in carrying out ~~the provisions of this~~  
 15 article.

16 **Adjustments**

17 (B) *Adjustments* in the amounts of the fees, as determined by  
 18 the Department of General Services and approved by the  
 19 Department of Finance, shall be made within the limits set in  
 20 ~~subdivision (j) paragraph (7)~~ in order to maintain a reasonable  
 21 working balance in the fund.

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

34 (d) For purposes of this section, “design professional in  
 35 responsible charge” or “design professional” means the licensed  
 36 architect, licensed structural engineer, or licensed civil engineer  
 37 who is responsible for the completion of the design work  
 38 involved with the project.

39 *SEC. 5. Section 81133.1 is added to the Education Code, to*  
 40 *read:*

1 81133.1. (a) *The Legislature finds and declares all of the*  
2 *following:*

3 (1) *The purpose of the collaborative process for project*  
4 *development and review is to ensure the public safety of*  
5 *community college facilities through a collaborative, consistent*  
6 *and timely project development and review process.*

7 (2) *The collaborative process for project development and*  
8 *review may be made available, as an alternative to the*  
9 *traditional plan review and approval process, to community*  
10 *college districts that voluntarily apply to the Department of*  
11 *General Services.*

12 (3) *This process entails the early participation of all parties*  
13 *involved in a project from project development and continuing*  
14 *through plan review, construction and certification of community*  
15 *college facilities projects. These parties include, but are not*  
16 *limited to, the Department of General Services' staff and their*  
17 *qualified plan review firms, and community college districts and*  
18 *their design professionals.*

19 (b) *In consultation with the Board of Governors of the*  
20 *California Community Colleges, the Department of General*  
21 *Services shall establish procedures and requirements governing*  
22 *the use of the collaborative process for project development and*  
23 *review alternative. These procedures and requirements shall*  
24 *include an application and selection process. Upon project*  
25 *selection, the Department of General Services and the community*  
26 *college district shall mutually agree to the roles and*  
27 *responsibilities of the Department of General Services, the*  
28 *applicant community college district, and its design*  
29 *professionals.*

30 (c) *As a part of the establishment of the requirements for the*  
31 *collaborative process for project development and review, the*  
32 *Department of General Services, in consultation with*  
33 *participating community college districts, shall establish*  
34 *mutually determined timeframe goals for a project's plan review,*  
35 *district and consultant response, response review, and final*  
36 *approval. Those timeframe goals shall reflect the project's*  
37 *estimated construction cost, complexity, size, and other*  
38 *requirements of the collaborative process for project*  
39 *development and review.*

1 (d) *The Department of General Services shall establish model*  
2 *statewide timeframe goals, in consultation with community*  
3 *college districts and other relevant parties, by February 1, 2007.*  
4 *Implementation of the collaborative process for project*  
5 *development and review with participating community college*  
6 *districts shall not negatively impact the traditional plan review*  
7 *process with other community college districts.*

8 (e) *The Department of General Services shall submit a*  
9 *preliminary report to the Legislature by July 1, 2008, and a final*  
10 *report by July 1, 2009. These reports shall address whether the*  
11 *implementation of the collaborative process for project*  
12 *development and review has assisted the department and*  
13 *community college districts in meeting their mutually determined*  
14 *timeframe goals.*

15 (f) *Notwithstanding Section 81133, the application for the*  
16 *collaborative process for project development and review may be*  
17 *accompanied by a filing fee from the community college district*  
18 *in amounts determined by the Department of General Services*  
19 *based on the estimated project cost and according to the filing*  
20 *fee schedule identified in paragraph (7) of subdivision (c) of*  
21 *Section 81133. The Department of General Services may*  
22 *establish a procedure for the payment and collection of this filing*  
23 *fee.*

24 (g) *Any additional costs incurred by the Department of*  
25 *General Services in the collaborative process for project*  
26 *development and review shall be paid by the participating*  
27 *community college district to the Department of General*  
28 *Services. The Department of General Services shall establish a*  
29 *procedure for the determination, payment, and collection of these*  
30 *additional costs.*

31 (h) *During project development, the community college*  
32 *district may provide input to the Department of General Services*  
33 *in its selection of a qualified plan review firm to provide*  
34 *consultative services to that department. Upon project submittal*  
35 *by the applicant community college district, the department may*  
36 *also refer the necessary project documents to the selected*  
37 *qualified plan review firm for plan review. The department may*  
38 *establish procedures governing the use of this section by*  
39 *applicant community college districts for the selection of a*  
40 *qualified plan review firm.*

1 SEC. 6. Section 81133.2 is added to the Education Code, to  
2 read:

3 81133.2. (a) The Department of General Services shall  
4 provide training, on an ongoing basis, to its employees and to the  
5 employees of architectural and structural engineering firms that  
6 contract with the department for the purposes of this chapter.  
7 The training shall address all phases of the plan review process  
8 established under this chapter, and shall be designed to ensure  
9 that all individuals who develop and review college building  
10 plans obtain sufficient knowledge of the rules, regulations, and  
11 standards that apply under this chapter.

12 (b) The department shall make the training described in  
13 subdivision (a) available to the employees of architectural and  
14 structural engineering firms that contract with applicant  
15 community college districts for the purpose of this chapter, and  
16 to any other individuals, firms, and governmental agencies that  
17 are involved in college building design, construction, or  
18 inspection, and that may benefit from the training.

19 (c) The department may charge a fee for training provided  
20 pursuant to this subdivision.

21 SEC. 7. Section 81135 of the Education Code is amended to  
22 read:

23 81135. (a) ~~Notwithstanding Section 14952 of the~~  
24 ~~Government Code, the Department of General Services shall~~  
25 ~~contract with sufficient numbers of qualified plan review firms~~  
26 ~~for assistance in performing the plan review required under this~~  
27 ~~article or Article 5 (commencing with Section 17350).~~

28 (b) ~~For purposes of this article, “qualified~~ Unless the context  
29 ~~other requires, the definitions set forth in this section govern the~~  
30 ~~construction of this article.~~

31 (1) “Prequalified list” means a list of qualified firms  
32 established by the Department of General Services to perform  
33 specific types of plan review or construction oversight services.

34 (2) “Qualified plan review firm” means an individual, firm, or  
35 the building official of a city, county, or city and county, as  
36 defined in Section 18949.27 of the Health and Safety Code, or  
37 the authorized representative of that building official that is  
38 identified by the Department of General Services as having  
39 appropriate expertise and knowledge of the requirements that  
40 apply to school buildings under this article. ~~The~~

1 (b) ~~The~~ department shall establish and maintain a list of ~~the~~  
2 ~~individuals, firms, and building officials or the authorized~~  
3 ~~representatives of building officials so identified~~ *qualified plan*  
4 *review firms*, and shall make that list available, upon request, to  
5 community college districts and other interested parties.

6 (c) *Notwithstanding Section 14952 of the Government Code,*  
7 *the Department of General Services shall contract with sufficient*  
8 *numbers of qualified plan review firms for assistance in*  
9 *performing the plan review required under this article or Article*  
10 *5 (commencing with Section 17350).*

11 (d) *At the discretion of the Department of General Services,*  
12 *contracts for a qualified plan review firm or a qualified*  
13 *construction oversight firm made pursuant to this article may be*  
14 *advertised and awarded in accordance with this section.*

15 (e) (1) *The Department of General Services may establish*  
16 *prequalified lists of qualified firms in accordance with this*  
17 *subdivision.*

18 (2) (A) *For each type of plan review or construction oversight*  
19 *work for which the department elects to use the process*  
20 *established by this section for advertising and awarding*  
21 *contracts, the Department of General Services may request*  
22 *statements of qualifications from interested firms.*

23 (B) *The request for statements of qualifications shall be*  
24 *announced statewide through the California State Contracts*  
25 *Register and publications of relevant professional societies.*

26 (C) *Each announcement shall describe the general scope of*  
27 *services to be provided within each generic project category for*  
28 *plan review or construction supervision services that the*  
29 *Department of General Services anticipates may be awarded*  
30 *during the period covered by the announcement. For the*  
31 *purposes of this section, a generic project category shall be*  
32 *defined in a manner that each specific project to be awarded*  
33 *within a respective discipline meets all of the following*  
34 *requirements:*

35 (i) *The project is substantially similar to all other projects*  
36 *within that discipline.*

37 (ii) *The project is within the same size range and geographical*  
38 *area.*

1 (iii) *The project requires substantially similar skills and*  
2 *magnitude of professional effort as compared to every other*  
3 *project within that discipline.*

4 (3) *The Department of General Services shall evaluate the*  
5 *statements of qualifications and a list of qualified firms that meet*  
6 *the criteria established and published by the Department of*  
7 *General Services. Interviews may be held to determine a firm's*  
8 *qualifications. Lists of qualified plan review firms and*  
9 *construction oversight firms shall be maintained by the*  
10 *Department of General Services for not more than four years.*

11 (4) *During the term of a prequalified list, as specific projects*  
12 *are identified by the Department of General Services as being*  
13 *eligible for contracting, the Department of General Services*  
14 *shall contact a firm on the prequalified list, on a rotational basis,*  
15 *for both of the following purposes:*

16 (A) *To distribute the work in a fair and equitable manner.*

17 (B) *To determine that the firm has sufficient staff and is*  
18 *available for performance of the project.*

19 (5) *If the contacted firm is not available, the Department of*  
20 *General Services shall continue to contact firms on the*  
21 *prequalified list, on a rotational basis, until an available firm is*  
22 *identified.*

23 (6) *The Department of General Services shall negotiate a*  
24 *contract for the services with the identified firm, including a*  
25 *price and timeframe that it determines is fair and reasonable.*

26 (7) *If the identified plan review firm or construction oversight*  
27 *firm is unable to negotiate a satisfactory contract with the*  
28 *Department of General Services, the department shall terminate*  
29 *negotiations, and shall undertake negotiations, on a rotational*  
30 *basis, with the next firm available for performance from the*  
31 *prequalified list until a successful negotiation is achieved. If the*  
32 *Department of General Services is unable to negotiate a*  
33 *satisfactory contract with a firm on two separate occasions, that*  
34 *firm may be removed from the prequalified list.*

35 (f) *Contracts for plan review and construction oversight*  
36 *services that the Department of General Services elects to*  
37 *advertise and award in accordance with this section are not*  
38 *subject to Chapter 10 (commencing with Section 4525) of*  
39 *Division 5 of Title 1 of the Government Code.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in Senate,  
July 6, 2005 (JR11)**

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