



# Association of California Construction Managers

January 20, 2010

Mr. Dave Thorman, AIA  
Division of the State Architect  
1102 Q Street, suite 5100  
Sacramento, CA 95811

Dear Dave:

ACCM is opposed to proposed Policy 10-B and DSA's elimination of the flexibility for Districts and Architects to use C16 licensed Fire Protection contractors to perform fire suppression design for school facilities and to use the deferred approval process to obtain plan approval.

Our reasons fall into four categories.

1. Economy
2. Risk
3. DSA Approach and Management
4. Benefits to DSA and Districts.

1. **ECONOMY.** The design and construction industry marketplace continues to evolve to place the engineering and technical expertise required to design, engineer, and prepare plans and calculations for DSA approval of specialty items, not in the hands of Architects and their usual consultants, but in the hands of specialty firms. The cost savings evident by the industry moving toward C16 contractors designing systems are available to Districts under the present system. We believe the cost savings in using design build C16 contractors are about 20%, perhaps more. For a new 2000 student high school, this savings is about \$150,000. Currently most school Architects do not provide the Fire Suppression design within the present fee structure. They will be asking for additional fees from districts. These may be on the order of \$25,000.
2. **RISK.** Eliminating the flexibility for deferred approval means that the risk of change order costs and delay time for un-coordinated fire sprinkler pipe routing or head placement will be borne by the districts. If a 5% change order rate is normal, on a new high school this risk could be about \$44,000. Additionally, there are limited school experienced Fire Suppression Engineers in private practice to staff California school fire design, as the industry has evolved away from this practice. So taking away district flexibility adds a contract and schedule risk to Districts.
3. **DSA APPROACH AND MANAGEMENT** Since 2007, we have been writing you, attending DSA Advisory Board Committee meetings, participating in Forums, issuing reports, and writing articles on this issue. Through interviews, we understand that DSA Staff perceive the very important construction phase responsibilities of DSA as "disrupting the work flow," instead of those processes being the work flow. DSA Staff have publicly stated that bin time for deferred submittals is twelve weeks. DSA staff acknowledge that no logging or tracking of review time for deferred submittals is available to the four regional managers or the Headquarters leadership. DSA Staff repeatedly tell CM's and Designers it is easier for them to resubmit deferred approval documents than for DSA Staff to find the documents in their offices.  
Here are two recommendations from my 2007 letter.

*Ernest Silva, Legislative Advocate  
Murdoch, Walrath & Holmes*

1130 K Street, Suite 210 ■ Sacramento, California 95814 ■ Tel:(916) 441-3300 Fax:(916) 441-3893

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Jack Moore  
PHASEOne Construction Group  
(310) 972-6370

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Roebbelen Contracting  
(916) 939-4000

Tony Espinoza  
California Construction Management, Inc.  
(562) 947-8570

1. Appoint separate reviewers to handle deferred reviews. They will view deferred approvals as their important, main mission

2. Track and report bin time or review time on deferred approvals the way that top DSA managers review bin times and review times for new plans. This way the improvements already seen on DSA plan review can also be seen on deferred approval review.

The March 2009 Forum on Deferred Approvals reported to the DSA Advisory Board also made these suggestions:

1. Assign specialists in each Region or centrally in reviewing components who develop skill in understanding the code and designs of these specialty items.

2. Assign the highest priority of staff review time to deferred approvals to ensure District projects achieve their promised schedules.

Since current DSA staff view deferred approvals as disruption, and since special expertise is highly desired in reviewing these specialty designs, outsourcing review of deferred approvals may be a win-win solution. It is very disappointing that DSA has taken no action to correct or begin management processes related to fire suppression deferred approvals, but instead merely proposes to eliminate them.

4. **BENEFITS TO DSA AND DISTRICTS.** The benefits claimed in paragraph 3 of the proposed Policy for disallowing deferred approvals are equally available to Districts and projects from better leadership and management of the deferred approval process by DSA.

Please call me if I can answer any questions. I look forward to working with you on this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Cowan". The signature is fluid and cursive, with a large initial "D" and "C".

Dick Cowan, PE PMP DBIA LEEDAP  
Officer at Large, ACCM