



ACCM Insider

More Structure Coming From DSA

By Dick Cowan, XL Construction Corporation

ACCM Member Dick Cowan serves on the State Architect's Field Act Improvement Task Force. ACCM's views on the Division of the State Architect (DSA) process changes coming this spring were voiced again at a Task Force meeting February 13th.

ments and dictate that only the Project Inspector can sign the Inspection Card as elements of the project are completed and documented. Also to be issued are standard forms for Deviation Notices and Semi Monthly Reports, both welcome improvements.

DSA is proposing a new "Project Inspection Card" analogous to a municipal permit and inspection card which DSA believes will drive the collection of Certification Documents during the course of the project and drive the closure and documentation of quality issues quickly during construction. The new procedures place a burden on the Project Inspector to be the collector of all Certification Docu-

ments and dictate that only the Project Inspector can sign the Inspection Card as elements of the project are completed and documented. Also to be issued are standard forms for Deviation Notices and Semi Monthly Reports, both welcome improvements. ACCM's main concern was that language on the Inspection Card for an Inspector to sign, "Ready to Cover Work," seems to suggest that 100% of all documentation on foundation testing, inspection and changes have to be approved and stamped by DSA before any framing or vertical structure could start. Although DSA staff insists that was not their intent, the language on the card left these issues open to

interpretation and confusion. We believe our message was heard and that the language on the most recent draft of the card has been clarified.

Other ACCM concerns were the mandatory use of a form for contractors to notify the project inspector of the commencement of "every aspect of the work." We didn't understand how small or finite an element this might require and suggested that this form be used only where the normal communication of a weekly short interval schedule or meeting minutes was not in use to communicate to the Project Inspector. DSA staff is considering this option.

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Anticipating the Impact of the New DSA Inspection Card Process

By Ed Mierau, Neff Construction, Inc.

As discussed during our recent ACCM membership meeting held at the C.A.S.H. Annual Conference, Division of the State Architect (DSA) is finalizing procedures and requirements to implement an Inspection Card Process (DSA 152) for public school construction projects. Based on the historical difficulties DSA and school district's have experienced related to the growing list of completed projects lacking final certification (estimated to be around 14,000), DSA has moved to mirror the process used

by local building departments by developing a job site Inspection Card procedure to ensure that the documentation and test results required to achieve certification will now be received concurrent with the associated construction activities. Under this new process, the Project Inspector will be charged with the responsibility to collect and confirm that all required documentation is current as the project progresses. Additionally, a copy of the new Inspection Card will be available to interested parties in

the newly established DSA online, virtual box location for a given project.

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Legislation of Interest

AB 39 (Skinner (D))

Requires the State Energy Resources Conservation and Development Commission to administer grants, loans, or other financial assistance to an eligible institution, defined as a public school, for the purpose of projects that create jobs by reducing energy demand and consumption at eligible institutions. Requires the computation and record of energy saved. Sets forth the project prioritization requirements for projects funded by the Jobs Creation Fund.

AB 41 (Buchanan (D))

Repeals the provisions of existing law requiring an increase in the maximum school building capacity as a result of participation in the Year-Round School Program. Exempts specified schools from the increase in maximum school building capacity. Repeals provisions of existing law requiring the conduction of specified evaluations related to the construction of small high schools and that requires those evaluations to be used to inform the direction of future school facilities construction and bond measures.

Position: Support

AB 182 (Buchanan (D))

Requires the ratio of total debt service to principal for each bond series to not exceed 4 to one. Authorizes each capital appreciation bond maturing more than 10 years after its date of issuance to be subject to mandatory tender for purchase or redemption before its fixed maturity date, beginning no later than the 10th anniversary of the date the capital appreciation bond was issued. Requires the presentation of a cost-related analysis of the bonds.

Position: Watch

AB 1212 (Levine (D))

Prohibits certain bid specifications from requiring a bidder to provide submission of data substantiating a request for a substitution of an equal item prior to the bid or proposal deadline.

SB 39 (De Leon (D))

Enacts the Clean Energy Employment and Student Advancement Act of 2013. Establishes a school district assistance program to distribute grants, on a competitive basis, for energy efficiency upgrade projects.

SB 45 (Corbett (D))

States the intent of the Legislature to enact legislation that would create the Kindergarten-University Public Education Facilities Bond Act of 2014, to become operative only if approved by the voters at the next statewide General Election.

Position: Support

SB 301 (Liu (D))

Expresses the intent of the Legislature to enact legislation that would create the Kindergarten-University Public Education Facilities Bond Act of 2014 to authorize an unspecified sum of state General Obligation bonds to provide aid to school districts, county superintendents of schools, county boards of education, the Community Colleges, the UC, the Hastings College of the Law, and the CSU to construct and modernize education facilities.

Position: Support

SB 316 (Block (D))

Requires all school facilities modernization projects submitted to the Division of the State Architect pursuant to the Leroy F. Greene School Facilities Act include those locks

that allow doors to classrooms and rooms with an occupancy of 5 or more persons to be locked from the inside.

SB 685 (Anderson (R))

States the intent of the Legislature to enact legislation that prohibits a school district from issuing capital appreciation bonds.

Position: Watch

SCA 9 (Corbett (D))

Proposes an amendment to the Constitution to provide that the imposition, extension, or increase of a special tax by a local government for the purpose of providing funding for community and economic development projects requires the approval of a specified percentage of its voters voting on the proposition.

Position: Support

SCA 11 (Hancock (D))

Makes conforming and technical, nonsubstantive changes to provisions relative to special taxation. Proposes an amendment to the Constitution to condition the imposition, extension, or increase of a special tax by a local government upon the approval of 55% of the voters voting on the proposition.

Position: Support



More Structure Coming From DSA (continued from page 1)

ACCM also recommended that the Inspection Cards be issued to Project Inspectors already marked for those elements of the project that do and do not exist, as DSA did not want to make the Inspection Card editable as the T&I sheet already is. We advocated for clarity in the implementing Manual that contractors may always proceed at their own risk, or under a Deviation Notice, while waiting for DSA approval on documents issued by the Designer of Record.

We also raised the concern that, of all the documents which might affect Certification, such as changes, tests, inspections, certifications, and verifications, only DSA's own form the Field Engineer Trip Note has no mechanism to positively close an issue and document that its closure is agreed to by the Field Engineer. DSA staff agreed to work on this certification issue.

State Architect Chet Widom rolled out the new forms and procedures at the C.A.S.H. Annual Conference and they will be in use on all DSA projects, new and existing, by May 1 of this year.

Anticipating the Impact of the New DSA Inspection Card Process (continued from page 1)

Some of the Known Components of the Process

Individual Inspection Cards will be issued for each building with an additional card for site work. This will build some flexibility into the process in that construction can progress independently from building to building on an activity-by-activity basis. However, at the individual building or site level, the progression of the work is somewhat constrained by the sequences contained on the card and by the Inspector of Record's (IOR) receipt and acceptance of the work and the associated documentation for the previous activity in the sequence. This will of necessity and intentionally place added pressure on suppliers, contractors, testing labs, and architects to ensure that the required documentation is provided in order to avoid unnecessary and costly delays to projects.

Some limited flexibility has been provided for the sequence of con-

struction contained in the proposed inspection card. However, as many of us are aware, construction rarely, if ever, proceeds in a linear fashion. Although DSA has remained clear that they are open to constructive suggestions regarding this and other Inspection Card related concerns, we are rapidly approaching the May 1 roll-out date. One of the ideas currently being floated is the possibility that construction could proceed on successor activities as contained on the Inspection Card, but that no work could progress past this successor activity unless the documentation associated the predecessor activity was received and approved. This would allow for the needed paperwork to trail a scheduled activity by a defined and limited duration and could serve to avoid costly but mainly clerical or administrative generated delays to the project.

The primary area where flexibility has been added pertains to the final approval required for the Amer-

icans with Disabilities Act (ADA) component of inspection. Districts will have from 60 to 90 days after project completion to fully comply with all ADA documentation. This area of flexibility leads immediately to questions about beneficial occupancy and the necessity of having completed structural and fire and life safety certifications.

The Cloudy Issue of Beneficial Occupancy

The Education Code currently allows school districts to occupy school buildings while certain construction and administrative processes continue toward final completion and DSA certification. The procedures surrounding delayed ADA certification appear to be a direct acknowledgement of this provision in the code. What remains uncertain is the process for partial or beneficial occupancy when one of the other two DSA inspection areas are not certified due to a last minute structural or fire and life safety change to the

Anticipating the Impact of the New DSA Inspection Card Process (continued from page 3)

project plans and specifications. Many of us have experienced added bracing to pendant hung lighting or other suspended items (projectors, clouds, etc.), requiring changes to the documents and added scope to the project. These changes can be generated from a variety of sources, including the DSA Field Engineer, the Project Inspector, the Architect, the district, and sometimes even the installing contractor. While the main inspection and documentary effort relat-

ing to these two inspection areas generally get resolved substantially in advance of the need to occupy a project, there frequently are issues that arise just prior to and sometimes after occupancy. As school construction volume increases resulting from the passage of numerous local bonds last Fall and the added state funding of school projects through the recent sale of bonds, these issues will likely become the rule rather than the exception. ACCM believes that

DSA's ongoing concerns regarding project certification are justified and that a properly structured Inspection Card process can yield improved results while preserving a district's ability to beneficially occupy a project in advance of final certification through DSA. As is common with any change of this magnitude, ACCM anticipates that the confluence of process and practice will work to produce a more effective answer to the long standing-problem of DSA certification.

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ACCM Activities and Accomplishments

The Association of California Construction Managers (ACCM) represents Construction Management (CM) firms working with California's K-14 school and community college districts. ACCM:

- Provides direct legislative lobbying on new proposed legislation that affects CMs on school facility projects;
- Provides direct administrative lobbying with the State Allocation Board, Department of Finance, Department of Education, and the Division of the State Architect, as well as many other state agencies. Our administrative lobbying is on regulations and policies that affect school construction and CM services;
- Organizes short-term coalitions to pressure for adequate pipeline funds for school facilities;
- Develops information for state agency and school district use regarding construction costs and construction methods; and
- Provides member firms information about school bonds placed on local ballots, demographic trends in enrollment by county and other information useful for working with potential K-14 clients.

2013 Goals

- Improve the Project Inspection Card process to make the card more usable.
- Support development of a 2014 State School Bond.
- Work with the Department of Finance to sell more already approved state school bonds.
- Oppose legislation that add difficulty or increase legal risk to Construction Managers and our clients.

2012 Accomplishments

- ACCM advocated for continued school bond sales to keep more than \$1 billion in school facility project funds flowing.
- ACCM members helped the new State Architect on his advisory committees and testified in support of his appointment.
- ACCM successfully negotiated amendments to the pre-qualification legislation to reduce costs, increase school district flexibility and protect construction managers.

ACCM Membership Application

Membership in the Association of California Construction Managers is open to firms and individuals sharing a common interest in the promotion of construction management as a professional service. The Association's membership represents a broad spectrum of the construction industry.

Name: _____

Title: _____

Company: _____

Address: _____

City/State/Zip: _____

Phone: _____

Fax: _____

Email: _____

Annual CM Firm Revenue/Annual Dues

Less than \$2 million=\$2,000

Over \$2 million=\$4,000