

Regulation 7140 Architectural and Engineering Services

Status: ADOPTED

Original Adopted Date: 02/1999

Last Revised Date: 05/15/2024

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)

Assures maximum participation by small business firms as defined pursuant to Government Code 14837

1. Prohibits practices which might result in unlawful activity such as rebates, kickbacks, or other unlawful consideration
2. 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)

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)

03/92
02/96
02/99
8/11/99

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

24 CCR 101
5 CCR 14001
5 CCR 14030-14036
Bus. Code 5500-5502
Bus. Code 5550-5558
Bus. Code 6700-6706.3
Bus. Code 6750-6767
CA Constitution Article 22
Ed. Code 17070.10-17079.30

Description

California Building Standards Code
Minimum standards for school facilities
Standards, planning, and approval of school facilities
[Architecture](#)
[Architects; licensure](#)
[Professional Engineers Act](#)
[Engineers; licensure](#)
[Architectural and engineering services](#)
[Leroy F. Greene School Facilities Act](#)

[Design-build contracts](#)
[Alternative design-build contracts](#)
[CDE powers concerning buildings and building sites](#)
[Plans and specifications for school facilities](#)
[Building approvals](#)
[Limitation on liability of governing board](#)
[Definition of small business](#)
[Contracts with private architects, engineering, land surveying, and construction project management firms](#)

Ed. Code 17250.10-17250.55
Ed. Code 17250.60-17250.69
Ed. Code 17251-17256
Ed. Code 17260-17268
Ed. Code 17280-17317
Ed. Code 17371
Gov. Code 14837
Gov. Code 4525-4529.5

Gov. Code 87100
Pub. Cont. Code 20110-20118.44
Management Resources
California Department of Education
Publication
California Department of Education
Publication
Office of Public School Construction
Publication
Website
Website
Website
Website
Website

[Public officials; financial interest](#)

[School district contracts](#)

Description

[Plan Submission Requirements for Modernization Projects, Form SFPD 4.08](#)

[Plan Submission Requirements for New Construction, Form SFPD 4.07](#)

[School Facility Program Handbook, January 2019](#)

[CSBA District and County Office of Education Legal Services
Department of General Services, Division of the State Architect](#)

[American Institute of Architects California Council](#)

[Department of General Services, Office of Public School
Construction](#)

[California Department of Education, School Facilities](#)

Cross References

Code
1240
1240
3311
3311
3311.3
3312
3515.6
7000
7110
7150
7150
9270
9270-E(1)

Description

[Volunteer Assistance](#)

[Volunteer Assistance](#)

[Bids](#)

[Bids](#)

[Design-Build Contracts](#)

[Contracts](#)

[Criminal Background Checks For Contractors](#)

[Concepts And Roles](#)

[Facilities Master Plan](#)

[Site Selection And Development](#)

[Site Selection And Development](#)

[Conflict Of Interest](#)

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