

California Public School Contract Basics

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Laws Affecting Public School Construction in California

Most of the requirements governing design and construction of k-12 public school facilities in California are governed by the following California Codes:

- Government Code
- Civil Code
- Code of Civil Procedure
- Labor Code
- Education Code
- Public Contract Code
- Building Standards Code

Required Bonds

Bid Bond

Projects over \$15,000 require bidders to provide a bid security or bid bond.
Public Contract Code Section 20111 (b)

Payment Bond

Public works projects over \$25,000 require a payment bond.
California Civil Code Section 3247-3248

Performance Bond

Requiring a Performance Bond is a best practice. Performance bonds are usually provided in conjunction with Payment Bonds

Informal Bidding Act

Applicable if a School District has chosen to participate in the California Informal Bidding Act procedures

California Public Contract Code Section 20111 (b)

22032.

(a) Public projects of sixty thousand dollars (\$60,000) or less may be performed by the employees of a public agency by force account, by negotiated contract, or by purchase order.

(b) Public projects of two hundred thousand dollars (\$200,000) or less may be let to contract by informal procedures as set forth in this article.

(c) Public projects of more than two hundred thousand dollars (\$200,000) shall, except as otherwise provided in this article, be let to contract by formal bidding procedure.

Maintenance

California Public Contract Code Section 22002

(d) "Public project" does not include maintenance work. For purposes of this section, "maintenance work" includes all of the following:

(1) Routine, recurring, and usual work for the preservation or protection of any publicly owned or publicly operated facility for its intended purposes.

2) Minor repainting.

(3) Resurfacing of streets and highways at less than one inch.

(4) Landscape maintenance, including mowing, watering, trimming, pruning, planting, replacement of plants, and servicing of irrigation and sprinkler systems.

(5) Work performed to keep, operate, and maintain publicly owned water, power, or waste disposal systems, including, but not limited to, dams, reservoirs, powerplants, and electrical transmission lines of 230,000 volts and higher.

e) For purposes of this chapter, "facility" means any plant, building, structure, ground facility, utility system, subject to the limitation found in paragraph (3) of subdivision (c), real property, streets and highways, or other public work improvement.

Division of the State Architect /California Building Code

The California Building Code (CBC) has separate and unrelated categories for Maintenance projects and projects that do not require submittal to DSA. Refer to our DSA page for more information.

Quick Bidding Reference

\$1,000

Construction cost over \$1,000 prevailing Wages must be paid.
California Labor Code Section 1771

\$15,000

Construction cost over \$15,000 must be publicly bid
California Public Contract Code Section 20111

\$60,000

Construction Cost up to \$60,000 may be negotiated if a district has e participate in the Informal Bidding Act (IBA)
Public Contract Code section 22000 et seq.

\$90,200

Project Value up to \$90,200 and defined as Maintenance (or Furnitur Equipment purchases) are defined as not being public works project not have to be publicly bid. See "Maintenance" concussion opposite.

See the State Superintendent of Public Instruction's Annual Adj page here.

\$200,000

Construction cost up to \$200,000 may be procured via Informal Biddi procedures, if a district has adopted to participate in the Informal Bid
Public Contract Code section 22000 et seq.

\$1,000,000

Construction cost greater than \$1,000,000 allows a Design-Build Proc
Education Code Section 17250.20

Lease Lease Back

*Santa Cruz High School Gymnasium Building
Education Code 17400.06 Mechanical System*

Energy

Government Code Section 4217.0

Technology

Government Code Section 20118

20118.1. The governing board of any school district may contract wit acceptable party who is one of the three lowest responsible bidders f procurement or maintenance, or both, of electronic data-processing s supporting software in any manner the board deems appropriate
Solar

"Piggyback Contracts"

*Design Services — 'Pay What You C
Public Contract Code Section 20118*

Seeking DVBE Firms

Force Account Labor

Public Contract Code 20113, 20114, 20115

Emergencies

California Public Contract Code Section 20113

(a) In an emergency when any repairs, alterations, work, or improve necessary to any facility of public schools to permit the continuance c school classes, or to avoid danger to life or property, the board may, i vote, with the approval of the county superintendent of schools, the following:

(1) Make a contract in writing or otherwise on behalf of the distric performance of labor and furnishing of materials or supplies for ti without advertising for or inviting bids.

(2) Notwithstanding Section 20114, authorize the use of day labo account for the purpose.

(b) Nothing in this section shall eliminate the need for any bonds otherwise required by law.

General Repairs

California Public Contract Code Section 20114

(a) In each school district, the governing board may make repairs, alt additions, or painting, repainting, or decorating upon school buildings build apparatus or equipment, make improvements on the school gro new buildings, and perform maintenance as defined in Section 20115 or by force account, whenever the total number of hours on the job exceed 350 hours.

[For very large school districts...]

Moreover, in any school district having an average daily attendance of 1,000 or greater, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment, including painting or repainting, or perform maintenance, as defined in Section 20115, by day labor or by contract account whenever the total number of hours on the job does not exceed 100 hours, or when the cost of material does not exceed twenty-one thousand dollars (\$21,000).

(b) For purposes of this section, day labor shall include the use of maintenance personnel employed on a permanent or temporary basis.

Definition of "maintenance for purposes of section 20114"

California Public Contract Code Section 20115

For purposes of Section 20114

"**maintenance**" means routine, recurring, and usual work for the protection, and keeping of any publicly owned or publicly operated facility in a safe and continually usable condition for the intended purposes in a safe and continually usable condition for which it was designed, improved, constructed, altered, or repaired.

"**Facility**" means any plant, building, structure, ground facility, utility, or real property.

This definition of "maintenance" expressly includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craftwork designed with the definition set forth above to preserve the facility in a safe, efficient, and continually usable condition for which it was intended, including repairs and other operations on machinery and other equipment permanently attached to the building or realty as fixtures.

This definition does not include, among other types of work, janitorial services and protection of the sort provided by guards or other security personnel.

It is the intent of the Legislature that this definition does not include repainting, or decorating other than touchup, but instead it is the intent of the Legislature that such activities be controlled directly by the provisions of Section 20114.

Frequently Asked Questions

Advertising for Bids

When must a District Advertise for Bids?

Informal Bidding Act

How does a District adopt the Informal Bidding Act?

Mechanics Liens

When are Payment Bonds Required?

Why are Payment Bonds Required?

What is a 20 Day Preliminary notice?

What is a Stop Payment Notice?

Prevailing Wages

When must a District pay Prevailing wages?

What is the "Compliance Monitoring Unit" ?

Pre-qualification

How does a District pre-qualify contractors?

Collaboration

We collaborate with our clients, consultants and colleagues.

Advocacy

We advocate for the public, our clients, and the profession of Architecture.

Research

We research in support of design. We believe that the best designs are discovered.

Education

We educate our clients, the community, our profession, ...and ourselves.

Sustainability

We make sustainability an integral part of our practice.

Mechanics Liens Laws

California Mechanics Liens Laws

Please refer to the California Architects Board website for information on Mechanics Liens Laws http://www.cab.ca.gov/candidates/cse/reference_material.shtml

California Constitution

Article 14 Labor Relations

SEC. 3. Mechanics, persons furnishing materials, artisans, and laborers of every class, shall have a lien upon the property upon which they have bestowed labor or furnished material for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

A description of the following components/steps is coming soon.

20 Day Preliminary Notice

Conditional Waiver Upon Progress Payment

Unconditional Waiver Upon Progress Payment

Unconditional Wavier upon Final Payment

Stop Payment Notice

Notice of Completion