

Building Education Facilities: A Comprehensive Overview

January 14, 2003

Bidding and Contract Issues From A to Z

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A Case Study

- **The Project**
 - ▶ Rubble High School Modernization Project
 - ▶ \$4.5 million Architect's estimate
 - ▶ Bid Delivery Method: Traditional Design-Bid-Build

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Bid Documents

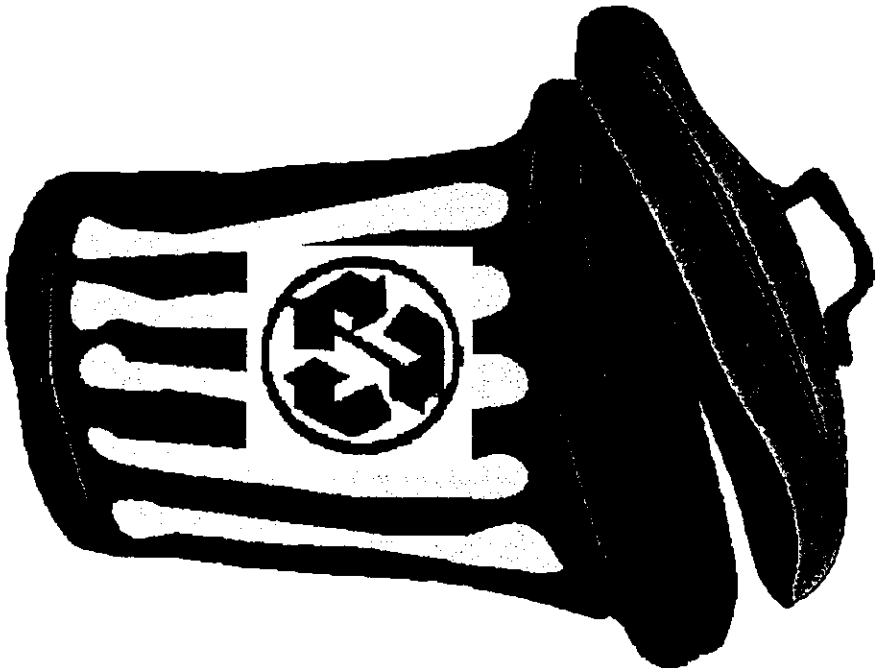
Always tailor your bid documents

- Don't Recycle/Reuse Garbage in = Garbage out

Bids should be logged in as received

Clearly indicate time and place of bid opening

- D**on't accept untimely bids
- Return to bidder unopened



Notes: _____

Nothing in these materials should be construed as individual legal advice. Readers are cautioned to seek individualized legal assistance on the detailed analysis of particular facts and situations.

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Subcontractor Substitution

Have a procedure in

place for substitution

- Forward request for substitution to involved sub
- Establish hearing procedure/delegate hearing officer

Investigate which subs are actually performing work

- Watch for illegal substitution

PUBLIC CONTRACT CODE
DIVISION 2. General Provisions
PART 1. Administrative Provisions
CHAPTER 4. Subletting and Subcontracting
§ 4100. Citation of chapter
This chapter may be cited as the "Subletting and Subcontracting Fair Practices Act."

Notes: _____

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Labor Compliance

Just enacted - stay tuned

for implementation

- Signed by Gov. on Sept. 26, 2002
- Shifts burden of review of contractor payroll documents to districts
- April 1, 2003

Kindergarten - University

Public Education

Facilities Act of 2002
(and 2004)

- Required for projects using Prop 47 funding



Notes: _____

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Change Orders & Claims

Limit contract change orders to 10%

Notes: _____

Monitor field personnel

- Be aware of potential changes
- Involve architects in evaluation



Negotiate as you go

- Don't leave claims to the end of the project

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Unresolved change orders/claims should be resolved & board approved before Notice of Completion

Notes: _____

Notice of Completion is in Valid if not recorded within 10 days of district acceptance

Withhold retention funds for disputed or incomplete work

- May withhold 150% of amount
Notify contractor of disputed amount

NOTICE OF COMPLETION

Notice pursuant to Civil Code Section 3093 must be filed within 10 days after completion.

Notice is hereby given that:

- 1. The undersigned is owner or corporate officer of the owner of the interest or estate stated below in the property hereinafter described:
2. The full name of the owner is
3. The full address of the owner is

4. The nature of the interest of estate of the owner is: In fee,

(If other than in fee, strike "in fee" and insert, for example, "purchase under contract of purchase.") The full names and addresses of all persons, if any who hold title with the undersigned as joint tenants or as tenants in common are: NAMES ADDRESSES

6. A work of improvement on the property hereinafter described was completed on _____ The work done was:

7. The name of the contractor, if any, for such work of improvement was _____

(If no contractor for work of improvement as a whole, insert "none")

8. The property on which said work of improvement was completed is in the city of _____, County of _____, State of California, and is described as follows:

9. The street address of said property is _____

(If no street address has been officially assigned, insert "none")

Dated: _____

Verification for Individual Owner Signature of owner or corporate officer of owner named in paragraph 2

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Prompt Payment Statute

Sixty days from cessation of labor

- Different standard than Notice of Completion

Your obligation to pay amounts due

- No invoice required

PUBLIC CONTRACT CODE
DIVISION 2. General Provisions
PART 1. Administrative Provisions
CHAPTER 7. Contract Clauses

§ 7107. Release of retention after completion; Payment of subcontractors' share

Notes: _____

