

ADMINISTRATIVE PROCEDURE 6350 CONTRACTS - CONSTRUCTION

The Vice Chancellor of General Services shall be responsible for the planning and programming of new construction, alterations, modernization and repairs of existing plants, and leasing of facilities that require Chancellor's approval. This includes the planning, development and programming of college-initiated new construction, additions to existing plants, and major alterations and repairs of buildings and grounds.

The Vice Chancellor of General Services shall be responsible for preparation of drawings and specifications for new buildings, leased facilities, additions, major alterations, modernization and improvements of buildings and grounds together with engineering cost estimates.

The preliminary drawings, which shall cover all proposed facilities together with construction cost estimates, shall be submitted to the Chancellor for approval and authorization to proceed with the working drawings and specifications. Upon completion, the working drawings, specifications and revised cost estimates, if any, will be submitted for approval to the Board of Trustees for approval

The final working drawings and specifications, approved by the District Department of General Services, together with revised estimates, if any, shall then be submitted to the Board of Trustees for adoption.

If a capital project is a joint venture between the college/District and the California Community College State Chancellor's Office, the preliminary drawings (Initial Project Planning - IPP) and engineering cost estimates shall be approved by both the District's Governing Board of Trustees and California Community College Chancellor's Office and the State Governing Board of Trustees as required by statute.

The final working drawings in a joint project otherwise known as Final Project Planning (FPP) and specifications shall be approved and funded by both the District's Governing Board of Trustees and the California Community College Chancellor's Office through the State Governing Board of Trustees before implementation. These drawings shall be readily available and accessible at the location where the construction is taking place or has taken place.

Due to the nature of public projects construction, there may be necessary revisions to the contract amount awarded by formal bid due to unforeseen needs, and time sensitive constructions. An unanticipated change in the construction process requires the District to respond swiftly and efficiently. When construction is in progress, saving valuable time and cost is needed to deliver projects on schedule, and budget. During this time, the District cannot proceed with necessary adjustments to the construction process without a change order. Therefore, the budget each public project in this District shall include an appropriate contingency fund (generally 10% unless otherwise determined) over the awarded amount. These contingency funds may only be spent in conformance with this policy by written change order.

A. "Change order" is a written supplemental agreement to an awarded construction contract agreed upon by all parties to that contract subsequent to the execution of that original contract. The Chancellor or designee is authorized to approve construction project change orders as follows:

1. That the Board delegate authority to the Chancellor or designee to approve change orders that do not cumulatively exceed the amount specified in Public Contract Code Section 20651 or 20655, whichever is applicable to the original contract or 10% of the original contract price, whichever is greater.
2. A third party professional such as the Design Professional in General Responsible Change of the Project and/or Construction Manager (CM) must review and certify change order item initiated prior to Board approval.

3. That all change orders must be Board approved or ratified prior to the action or performance of the work included in the change order except in cases where the action or work is urgently necessary to:
 - a. avoid delay or disruption to the construction process; or
 - b. to allow the District to significantly conserve District funds; or
 - c. conserve project construction time; or
 - d. address a situation that is otherwise considered an emergency under the Public Contract Code section 20654 where the change is necessary to permit the continuance of existing classes or to avoid damage to life or property and the matter cannot wait for the next Board meeting.
4. That the Chancellor or designee must provide such changes and justifications in writing by the next meeting to the Board of Trustees.

The Board of Trustees shall receive written notice of all change order approvals meeting these criteria and all such change orders shall be calendared for Board ratification.

The letting of contracts for construction shall comply with procedures of the District regarding contracts that exceed the statutory minimums for competitive bidding. (See AP 6340 titled Bids and Contracts).

Retention withheld from any payment shall not exceed five percent (5%) of the payment. The Vice Chancellor General Services may withhold in excess of 5 percent (5%) where the governing body, on a project-by-project basis, has approved a finding during a properly noticed and scheduled public hearing and prior to bid that the project is substantially complex and therefore requires a higher retention amount than 5 percent. The finding that a project is substantially complex shall include a description of the specific project and why it is a unique project that is not regularly, customarily, or routinely performed by the agency or licensed contractors. In addition, the District must include details explaining the basis for the finding and the actual retention amount in the bid documents.

References:

Education Code Section 81800;
Public Contract Code Sections 20650 et seq. and 22000 et seq.
Public Contract Code Section 7201(b)

Approved by the Chancellor: May 8, 2013
Revised and approved by the Chancellor: December 6, 2019