

APPENDIX B-2

TOOL FOR ASSEMBLING THE SUPPLEMENTARY GENERAL CONDITIONS FOR CONTRACT GENERAL CONDITIONS FOR CONSTRUCTION MANAGER AT RISK WITH GUARANTEED MAXIMUM PRICE PROJECTS

General Note to Campuses:

These are not actual Supplementary General Conditions (SGCs) but a tool for you to build your SGCs for your project. If you have any questions feel free to contact James Sowerbrower at 562-951-4112 or Barbara Nicholson at 562-951-4117. The Office of General Counsel has reviewed and approved the following changes.

The following changes to Articles 2.05 and 5.04-c (1) have to do with the changes in Public Contract Code Section 3400. The Contract General Conditions reflect the default position in the law, and is reprinted here for your quick reference:

CM firm is advised that the time period for submitting a proposed product as “an equal” is no later than 35 days after the award of the construction contract, unless otherwise specified in the Supplementary General Conditions (Public Contract Code Section 3400) prior to the date of agreeing to a GMAX. Refer to Article 5.04-c.

The new law leaves some room for you to adjust this time for submitting an equal. We recommend the following:

- Article 2.05, delete the second paragraph and replace with the following:
CM firm is advised that the time period for submitting a proposed product as “an equal” is limited to the period prior to the date of agreeing to a GMAX. Refer to Article 5.04-c.
- Article 5.04-c (1), delete the first sentence and replace with the following:
The CM shall submit its proposal to the Architect for an alternative as “an equal” in writing prior to date of agreeing to a GMAX.

If your project utilizes any funds from the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004, then the following modifications to Article 4.02-c and 4.02-c (6) shall be made.

- Article 4.02-c, add the following:
In accordance with Labor Code Section 1771.7, the Trustees have established a labor compliance program for all projects that commence on or after April 1, 2003, that are partially or wholly funded by the Kindergarten-University Public Education Facilities Bond Acts of 2002 and 2004, passed by the voters in November 2002. For these projects only, the Trustees have been empowered to assume the role of the Labor Commissioner in the Department of Industrial Relations. Any questions regarding the payment of prevailing wages, or enforcement thereof, should be directed to the Trustees’ Labor Compliance Officer at CSU Chancellor’s Office, Capital Planning, Design and Construction, 401 Golden Shore, Long Beach, CA 90802-4210.
- Article 4.02-c (6), delete and replace with the following:
CM shall submit all certified payroll and the Hourly Labor Rate Worksheet for its workers and all trade contractors
. These records shall be submitted to the Construction Administrator or his/her designee (Labor Code Section 1771.7(c)).

Caution to Campuses:

Please check the CPDC web site to be sure you have the most current version prior to drafting your Supplementary General Conditions. The web site is www.calstate.edu/cpdc/cm under ‘Construction Management.’ Office of General Counsel must approve any changes to the standard Supplementary General Conditions.