

POLICY: 90-DAY LETTER AND REOPENING OF FILES FOR PROJECT CERTIFICATION

Discipline: All

Division of the State Architect (DSA) documents referenced within this publication are available on the [DSA Publications](#) webpage.

Purpose: The primary purpose of this policy is to streamline the process for issuing 90-Day Letters to initiate the closing process, and to improve reopening of files when a project is closed without certification. The 90-Day Letter process is also meant to provide adequate time for District personnel and their professional consultants to obtain DSA approval for project documents such as change orders, deferred approvals, addenda, etc., and to prepare for the payment of all fees necessary for project certification.

Application of policy: As of September 1, 2009 all projects, regardless of age, shall comply fully with this policy except the re-opening fee portion shall be in accordance with the following schedule:

- Re-opening fee for all projects closed without certification on or after January 1, 2009 shall be in accordance with this policy.
- Re-opening fee for Projects closed without certification prior to January 1, 2009 shall be \$150. This fee is in effect until January 1, 2010.
- After January 1, 2010, the re-opening fee shall be in accordance with this policy for all projects regardless of date closed.

In-Depth Discussion of Project Certification: See the [DSA Project Certification Guide](#) for an in-depth discussion of project certification, project close-out, re-opening of project files and strategies leading to successful project certification.

1. PROJECT CLOSEOUT:

1.1 Background: Project closeout is the process that DSA uses to determine project compliance with the codes and regulations governing school construction. Project closeout consists of examination of specific project files for documents required to be submitted before, during and after construction and to determine if outstanding issues have been resolved. After the file is examined, the project file is closed either with certification or without certification. After the project is closed the files are sent to State Archives.

1.2 Initial Phase (90 Day Letter): DSA initiates the closing and certification process for projects by issuing a 90-Day Letter. The 90-Day Letter is issued when either:

- The DSA District Engineer (DSE) determines the project is essentially complete or
- The project becomes occupied, or
- Construction stops for one year or more.

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After DSA examines a project file and determines documents required for certification are missing, DSA issues a 90-Day Letter to the Architect and the School/College District. The letter requests that all outstanding requirements and documents be submitted to DSA within a 90-day period to allow DSA to certify the Construction. The letter includes a list of required documents that have been received and those that are outstanding.

1.3 Certification and Close of File: When the 90-day period has expired, DSA again examines the project file to determine if the missing documents have been submitted and all outstanding issues have been appropriately addressed. All outstanding documents and issues must be resolved prior to DSA's issuance of a letter of certification. DSA then closes the project file either with certification or without certification and issues a closeout letter to the District and copies to the Architect. At this point, DSA does not take any further action until DSA receives a request from the Architect or the School/College District to re-open and re-examine files in order to certify the project.

1.4 Re-Opening and Re-Examination of Closed Files: At the request of the Architect or the School/College District, DSA will cause the re-opening and re-examination of closed, uncertified projects in order to certify the project. The request must include submittal to DSA of the following items:

- A letter with the project name and DSA Application number requesting that the project files be re-examined for certification.
- A copy of the "Closed Without Certification" letter issued by DSA.
- A single complete comprehensive package that includes all items, documents and issues listed on the DSA "closed without certification letter" as missing, outstanding or otherwise not resolved.
- Re-opening fee as necessary based on the following:
 - a) No fee required for a one-time project re-opening request that is received within 9 months from the date the DSA 90-day letter expires.
 - b) After 9 months from the expiration of the DSA 90-day letter (or any 2nd or subsequent re-opening request) the re-opening fee is based on the project construction cost as follows:

Projects less than \$5 million:	\$500 re-opening fee
Projects between \$5 million and \$50 million:	\$750 re-opening fee
Projects greater than \$50 million:	\$1000 re-opening fee
- Partial or otherwise incomplete submittals will be accepted. DSA will re-examine the submittal, again close the project and issue an updated closed without certification letter to show the remaining outstanding document/issues. To again re-open the project will require the above process to be followed including paying again the noted re-opening fees.

1.5 90-Day Letter Extension: 90-day letters are not extended except, at the discretion of DSA, under the following circumstances:

- Construction is not complete and the contractor is still mobilized at the site
- No portions of the project are occupied by staff and/or students

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2. **New projects associated with uncertified projects:** See *IR A-20: New Projects Associated With Existing Uncertified Projects* for discussion of new projects that are associated with uncertified projects.

REFERENCES:

California Administrative Code (Title 24, Part 1) Section 4-339

A Division of the State Architect (DSA) Policy is a formally established set of governing statements based on law and code objectives, addressing any aspect of DSA's review and approval of plans and specifications and construction oversight programs that is not clearly addressed by code. A Policy also may specify administrative or technical requirements that are not yet addressed within Title 24, but are deemed important and necessary to fulfill code objectives in advance of adoption into the code.
