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| DGS_logo | FORM 23MEMORANDUM |

Date: Date

Form 23 Request #: 20XX-Dept Abbrev – Seq.# (000X)

Project #: **00000000000XXXX**

To: **Project Contact**

 Department

 Address

 Address

 City, State, Zip

 Phone

**From:** Department of General Services, Real Estate Services Division,

 Project Management and Development Branch,

 Architecture and Engineering (AE) Sections 1 and 2

 707 3rd Street, Suite 4-105, West Sacramento, CA 95605

**Subject:** **FORM 23 CONDITIONAL DELEGATION**; CRUISE #**XXXXX**

**Building:** Building name (and #, if applicable)

**Location:** building address and room location

In the opinion of the Department of General Services (DGS), Real Estate Services Division (RESD) DGS’ services are not required to carry out the above-referenced project. In accordance with Public Contract Code section 10108 (or 10108.5), DGS/RESD, therefore, hereby conditionally authorizes the (Department/Agency), to carry out the work for project description.

This FORM 23 Conditional Delegation is limited to the DGS approved project and its specified location. This authorization is subject to the conditions outlined in this memo. Failure to adhere to the requirements as outlined herein may be result in the revocation of this Conditional Delegation and/or restrict/limit/deny future delegations.

If you have any questions, please contact me at (916) 375-xxxx.

Sincerely,

Name, Principal Architect

AE Section #

CC:

Jason Kenney, Assistant Deputy Director, DGS - Real Estate Services Division

Doug Brenning, Chief, DGS – RESD - Construction Inspection and Management Branch

Brian Hancock, Fiscal Analyst, DGS – RESD - Construction Inspection and Management Branch

Daniel O’Brien, Manager, DGS – RESD - Project Management and Development Branch

AMB CSM, Customer Service Manager, DGS – RESD - Asset Management Branch

AMB RPM, Asset Manager, DGS – RESD - Asset Management Branch

File; M:\AE\Admin\Form 23\\_Templates

**Attachment A – Project Expectations and Requirements:**

1. **Delegation Limit – Amount:** as represented in the department’s Form 23, the total (construction) project costs are expected to be: $X. This is under the statutory limit of $X for DGS-RESD to be able to delegate a project. Should this project’s costs (including amendments/change orders) exceed, or if the department becomes aware that the costs may exceed this limit, the department must notify the contact person listed below immediately.
2. **Delegation Limit – Project Scope:** the scope of this delegation is limited to project description. The project is also subject to the information – and redlined edits provided by DGS – on the submitted Form 23 (attached). Any material change to the project, whether changing the scope of the project or not, must be immediately communicated to DGS. Please be aware that subdividing larger projects into smaller ones to circumvent the limitations of this delegation or the requirements of the State Administrative Manual is not permitted.
3. **Required DGS Services:** if checked, the following DGS services are required for this project.
	1. [ ]  **California Environmental Quality Act Documentation**. CEQA documentation services must be performed by the Environmental Services Section (ESS) within DGS on a fee for service basis. The ESS manager is Daniel O’Brien, and he can be reached at (916) 376-1603.
	2. [ ]  **Construction Inspection and Supervision**. DGS Construction Inspection and Management Branch (CIMB) inspections will be required *during* construction to ensure that plans and specifications are adhered to and the building assets are protected in a code compliant manner. The Chief of CIMB is Doug Brenning, and he can be reached at (916) 696-3007. **Note**: Agency must provide CIMB with a schedule of work to occur. A 45-day advance notice for inspection need is preferred to accommodate request into current workload commitments.
4. **Additional DGS Oversight Required:** if checked, the following requirements apply to this delegation.
	1. [ ]  **Submit Working Drawings to DGS Prior to Regulatory Reviews.** Agency must provide DGS a full sized set of 100% completed, stamped Working Drawings (with specifications and with a final construction cost estimate) **prior** to submission to the regulatory agencies having jurisdiction. DGS will review the documents but not conduct a peer review. However, any significant concerns with the documents will be provided to the delegated department. Agency will then submit a response memo to DGS agreeing to make the required corrections to the construction documents or providing building code-related reasoning for non-compliance to peer review comments prior to submission to regulatory agencies.
	2. [ ]  **Undergo DGS Peer Review.** Agency must provide DGS a full sized set of 100% completed, stamped Working Drawings (with specifications and with a final construction cost estimate) **prior** to submission to the regulatory agencies having jurisdiction. DGS design staff will review and provide a red-marked set of peer review comments. Agency will then submit a response memo to DGS agreeing to make the required corrections to the construction documents or providing building code-related reasoning for non-compliance to peer review comments prior to submission to regulatory agencies.
	3. [ ]  **Notify DGS After Completion of a Phase.** Agency must notify DGS in writing at the completion of each “phase” of the project (Working Drawings, Bidding, and Construction). DGS reserves the right to ask for additional information.
	4. [ ]  **Report Project Progress.** Agency must attend a frequency conference call with DGS to discuss project progress and adherence to scope.
	5. [ ]  **Submit *Proposed* Change Orders Prior to Executing.** Agency must provide DGS with copies of proposed change orders prior to executing with the contractor. DGS shall review immediately upon receipt, and if Agency does not received comments from DGS by close of business the following work day, Agency shall be free to proceed with executing the Change Order.
		1. **Note:** the purpose of these reviews are to ensure that the scope of the work is not materially altered via change order. DGS is not intending to review proposed costs or the validity/necessity of the work.
5. **Required Approvals/Reviews:** based upon the scope of work provided, the following authorities having jurisdiction must review and approve aspects of the project.
	1. [ ]  The Office of the State Fire Marshall
	2. [ ] The Division of the State Architect
	3. [ ] The Office of Statewide Health Planning and Development
	4. [ ] The California Department of Public Health
	5. [ ] The State Historic Preservation Office
	6. [ ] Other:
6. **Additional Requirements/Expectations:**
	1. DGS will assign a Project Manager on all projects to serve as the primary point of contact for reportables, and to provide counsel and advice should issues arise. All DGS services shall be provided on a fee for service basis. The Project Manager is Name, Principal Architect, DGS - RESD, Project Management and Development Branch at (916) 375-xxxx
		1. DGS must be provided a copy of the approved/stamped plans and specifications in .pdf format.
		2. DGS must be provided a copy of the as-built drawings at the end of construction.
		3. DGS must be provided copies of all Change Orders and/or Amendments immediately upon execution.
	2. [ ]  If this box is checked, this scope of work requires plans and specifications produced and stamped by a licensed architect and/or licensed engineer.
	3. Any work conducted under this Delegation of Authority must comply with the Public Contract Code, the State Administrative Manual and other applicable laws or regulations.
	4. All work shall be performed in accordance with the latest adopted edition of the California Building Code, the California Electrical Code, the California Energy Code (Title 24), the California Mechanical Code, the Americans with Disabilities Act (ADA) and other applicable regulations.
	5. In contracting for the work to be performed, the delegated agency shall ensure that they adhere to all applicable policies and procedures related to small business (SB) and disabled veteran business enterprises (DVBE).
	6. The contractor to whom the work is awarded, and any subcontractor under him, shall not pay less than prevailing wages per Labor Code (LAB), Sections 1774 and 1775.
	7. The delegated agency shall:
		1. Appoint a single point of contact to be responsible for implementation and reporting of this delegation.
		2. Be responsible for all fees for regulatory reviews/approvals.
		3. Be responsible for any damages or building deficiencies caused by their contractors in connection with the project.
		4. Be responsible for occupant notifications as required by law or labor agreements.
		5. Be responsible for conduct of their vendors under this delegation. Vendors shall keep the work and access areas in a clean, neat and safe condition.
		6. Keep in regular communication with the Office Building Manager if the work is being performed in a DGS managed or maintained building.
		7. Process Invoices through the State Controller’s Office directly. RESD will not be involved with funding or invoice approval matters.