



# CALIFORNIA STATE AUDITOR

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# FACT SHEET

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The California State Auditor's Office released the following report today:

## Department of General Services

*The Division of the State Architect Lacks Enforcement Authority and Has Weak Oversight Procedures, Increasing the Risk That School Construction Projects May Be Unsafe*

### BACKGROUND

The Division of the State Architect (division), within the Department of General Services (General Services), is responsible for supervising the design and construction of projects at K-12 schools and community colleges to certify that they comply with the Field Act (act) and certain building standards. During fiscal years 2008–09 through 2010–11, there were nearly 18,000 school construction projects, costing an estimated \$44.5 billion active throughout the State. To oversee the construction phase, the division's field engineers (licensed structural engineers) make periodic visits to construction sites and communicate with division-approved project inspectors who ensure that school districts comply with division-approved plans and specifications. When construction is completed according to approved plans and required documents are filed, the division certifies the projects.

### KEY FINDINGS

During our review of the division's implementation of the act, we noted the following:

- It has limited authority to penalize school districts for noncompliance with the act—school districts can occupy projects regardless of whether projects are certified. Nearly 25 percent of school construction projects closed during the last three fiscal years were uncertified.
- Although it can take some steps to mitigate the risks that uncertified projects may pose—such as ordering districts to stop work on projects when the division identifies a potential threat to public safety—the division rarely does. In fact, the division issued only 23 orders to comply and six stop work orders during the last three fiscal years.
- Even though over 16,000 projects remain uncertified, the division neither documents the reasons for classifying some uncertified projects as having safety issues nor prioritizes actions related to projects with safety concerns.
- Its school construction oversight is neither effective nor comprehensive. Of the 24 closed projects we reviewed, we did not see any evidence of a site visit on file for three projects—which lasted between five and 32 months and have estimated costs as high as \$2.2 million—and found evidence of only one site visit each for another eight closed projects.
- The division does not provide the same level of construction oversight in fire and life safety and accessibility as it does for structural safety, even though it reviews plans for school construction projects for all three disciplines.
- Although it relies on project inspectors to ensure proper construction, we noted concerns with the division's oversight of inspectors.
  - ✓ School districts sometimes proceed with projects before the division approves their inspectors—on 22 of 34 projects we reviewed, the inspector was not approved until well after construction began.
  - ✓ It sometimes excuses inspectors from required trainings, does not always ensure inspectors have passed all parts of the latest certification examination, and has not always clearly documented verification of an inspector candidate's prior experience.
  - ✓ The division does not have a formal evaluation process for inspectors and thus, may not be consistently and adequately addressing performance issues, and may also be unable to defend its disciplinary actions against inspectors.

### KEY RECOMMENDATIONS

We made several recommendations to General Services including that the division better use the enforcement tools at its disposal such as orders to comply and stop work orders to enforce compliance with the act. We also recommend that it modify current policies regarding classifying uncertified projects with safety concerns and to use the information to prioritize its efforts to follow up on projects based on risk. Further, to ensure it provides adequate oversight of school construction projects, it should develop an overall strategy that establishes specific expectations for conducting field engineers' site visits. Additionally, it should streamline its inspector approval process to ensure they are approved prior to starting construction and should re-establish a formal process for evaluating inspectors.

