



TO: California Uniform Construction Cost Accounting Commission
FROM: Guiselle Carreon
SUBJECT: Force Account Limits
DATE: 02/02/2009

Public Contract Code Section 20114 authorizes school districts to use day labor. The Code reads as follows:

20114. (a) In each school district, the governing board may make repairs, alterations, additions, or painting, repainting, or decorating upon school buildings, repair or build apparatus or equipment, make improvements on the school grounds, erect new buildings, and perform maintenance as defined in Section 20115 by day labor, or by force account, whenever the total number of **hours** on the job does not exceed **350 hours**. Moreover, in any school district having an average daily attendance of 35,000 or greater, the governing board may, in addition, make repairs to school buildings, grounds, apparatus, or equipment, including painting or repainting, and perform maintenance, as defined in Section 20115, by day labor or by force account whenever the total number of **hours** on the job does not exceed **750 hours**, or when the cost of material does not exceed twenty-one thousand dollars (\$21,000).

(b) For purposes of this section, day labor shall include the use of maintenance personnel employed on a permanent or temporary basis.

This code does not include equipment, materials, supplies, or subcontractor contracts. However, it appears some interpret this Code intent that the 350 hours may not exceed \$15,000. The Code is not clear on this and many school districts do not interpret it this way.

Public Contract Code 22032 reads as follows:

22032. (a) Public projects of thirty thousand dollars (\$30,000) or less may be performed by the employees of a public agency by force account, by negotiated **contract**, or by purchase order.

Section II of the Cost Accounting Policies and Procedures Manual defines Force Account as: "A Force Account accurate for work performed on public projects using internal resources, including but not limited to labor, equipment, materials, supplies, and subcontracts of the public agency".

As a result, PCC 20114 **may** provide greater flexibility and higher dollar threshold than CUPCCAA. This conflicts with the Commission's statement that the program increases the force account limits.