



# SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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## LEGAL UPDATE

January 22, 2015

**To: Superintendents, Member School Districts (K-12)**

**From: Patrick C. Wilson**   
**Senior Associate General Counsel**

**Subject: Prequalification Procedures and Lease Leaseback  
Memo No. 02-2015**

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The Public Contract Code at section 20111.6 requires prospective bidders for a construction project and certain subcontractors to complete a standardized prequalification questionnaire and provide financial statements.

However, this provision only applies to a project:

1. Funded by state school bonds; and
2. Where the projected budget is \$1,000,000 or more, and where the school district has average daily attendance of 2,500 or more.

Effective January 1, 2015, Education Code section 17406 has been amended to require these same prequalification procedures for lease leaseback projects subject to the same limitations described above.

If your district is using local funds for a project that meets these criteria, but you later intend to seek state bond money to reimburse for local funding, you should use the prequalification procedure outlined in Public Contract Code section 20111.6, if your project otherwise meets the criteria described above.

Please contact our office with questions regarding this Legal Update or any other legal matter.



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*The information in this Legal Update is provided as a summary of law and is not intended as legal advice. Application of the law may vary depending on the particular facts and circumstances at issue. We, therefore, recommend that you consult legal counsel to advise you on how the law applies to your specific situation.*

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