



SCHOOL & COLLEGE LEGAL SERVICES OF CALIFORNIA

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LEGAL UPDATE

July 30, 2021

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

From: Loren W. Soukup, Senior Associate General Counsel 
Erin E. Stagg, Associate General Counsel 

Subject: Use of Piggyback Contracts for Modular Building Projects
Memo No. 22-2021

On July 7, 2021 the Office of Public School Construction (“OPSC”) sent out an email blast to all California school districts and county superintendents of schools reminding them about the use of piggyback contracting to acquire modular and portable/relocatable buildings.

The email specifically referenced the 2006 Attorney General Opinion,¹ which held that a school district may not, without advertising for bid, enter into a piggyback contract to acquire factory-built modular building components that result in the assembly of permanent schools.

The OPSC email is a good reminder that piggyback contracts are limited to the purchase of personal property only. The Attorney General has expressly excluded factory-built modular building components that will be permanently affixed to a foundation from the definition of “personal property.” While portable or relocatable buildings may be purchased through a piggyback contract, the site preparation and installation of the building must still comply with the competitive bidding requirements.²

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

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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¹ <https://oag.ca.gov/system/files/opinions/pdfs/05-405.pdf>

² Public Contract Code sections 20111 and 20112