
STOP WORK AND ORDER TO COMPLY

IR A-13

References:

California Code of Regulations (CCR), Title 24
Part 1, California Administrative Code, Section 4-334.1 and 4-237.1
California Education Code, Sections 17307.5 and 81133.5
California Health and Safety Code, Section 16017.5

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This Interpretation of Regulation (IR) outlines Division of State Architect's procedures for implementation of Stop Work authority.

This IR is subject to revision at any time. Please check the DSA web site at <http://www.dgs.ca.gov/dsa/Resources/IRManual.aspx> for currently effective IR's.

Background: The Division of the State Architect (DSA) may issue a Request for District/Owner to Stop Work, a Stop Work Order or an Order to Comply, when either of the following occurs:

- construction proceeds without DSA approved construction documents; or,
- construction proceeds without a DSA certified project inspector specifically approved by DSA for the project.

In addition, DSA may issue a Request for District/Owner to Stop Work, a Stop Work Order or an Order to Comply, to stop and/or correct work that is not in compliance with approved documents, and ensure that non-compliant construction is not concealed by subsequent work.

DSA may also issue a Request for District/Owner to Stop Work, a Stop Work Order or an Order to Comply, in any other circumstances where DSA determines that construction work is not being performed in accordance with applicable rules and regulations, and would compromise the structural integrity of the building, thereby endangering the public safety.

DSA will not issue a Request for District/Owner to Stop Work, Order to Comply or a Stop Work Order for incidental or minor structural work.

A **Request for District/Owner to Stop Work** provides the District/Owner an opportunity to voluntarily stop work to correct non-compliant construction and prevent such construction from being concealed by subsequent work.

A **Stop Work Order** is an official stoppage of work by DSA, subject to provisions of law enforced by the Office of the Attorney General.

An **Order to Comply** provides a process for DSA to notify the District/Owner of a non-compliant condition which, if unresolved, will compromise the structural integrity of the building.

Dependent upon specific project circumstances, and at the sole discretion of DSA, DSA may issue any or all of the three procedures (a Request/Owner to Stop Work, a Stop Work Order or an Order to Comply) to ensure compliant construction.

DSA will generally issue a Request for District/Owner to Stop Work prior to issuing a Stop Work Order. However, a Stop Work Order may be issued by DSA without prior issuance of a Request for District/Owner to Stop Work or an Order to Comply. When circumstances permit, an Order to Comply may be issued to allow the District/Owner the opportunity to correct the deficient work within a defined timeline prior to DSA's issuance of a work stoppage.

Depending upon the circumstances, DSA may request to stop work on the entire project or on a specific area of the project.

1. Procedures for Request for District/Owner to Stop Work ("Request"):

1.1 Initiation of DSA Request

Once DSA becomes aware of a non-compliant construction or construction performed without required testing and/or inspection, the DSA Field Supervisor or Regional Manager will contact the District/Owner by phone or in person to discuss the concerns and request the District/Owner to stop work. The purpose of the work stoppage is to:

- Ensure the non-compliant construction does not continue unless corrected;
- Correct the non-compliant work already constructed and not allow for it to be concealed by subsequent work; and,
- Conduct any required testing and inspection before the construction is concealed by subsequent work.

DSA and District/Owner will determine the scope of work to be suspended and the schedule for work stoppage, and discuss actions required of the design professional in responsible charge and the project inspector.

DSA will then issue the Request by e-mail with copies provided to the design professional in general responsible charge and project inspector. The Request shall summarize the discussion and provide DSA contact information for all subsequent communications. DSA may issue written instructions to the project inspector, if necessary, at this time.

The Request will inform the District/Owner that if work is not stopped by District/Owner in accordance with the timeline established, DSA will issue a Stop Work Order.

1.2 District/Owner Response to DSA Request

In response to DSA Request, the District/Owner shall send written correspondence to DSA containing the following acknowledgements:

- District/Owner will direct the contractor in writing to stop work, and provide a copy of the directive to DSA;
- District/Owner will direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required;
- District/Owner will not permit re-start of construction of work affected by the non-compliant condition(s) without written notification from DSA that the issue has been resolved to DSA's satisfaction.

1.3 Corrective Plan

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a corrective plan that outlines actions required to correct non-compliant condition and provides a schedule for actions required;
- Submit the corrective plan to DSA for review and approval;
- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

1.4 Implementation of Corrections

- Upon receipt of DSA approval for the corrective plan and any documents requiring DSA approval, the District/Owner may authorize corrective work to proceed.
- DSA approved project inspector shall monitor the corrective work and document construction activities by the means of daily reports (or other method of documenting continuous inspection), and semi-monthly reports submitted to DSA.

1.5 Resolution of DSA Request for District/Owner to Stop Work

- Upon completion of corrections, the District/Owner shall notify DSA of its intent to resume construction.
- DSA will review any applicable records, confer with the project inspector, and will conduct a site visit, if necessary, to determine whether the issue has been resolved and whether construction can proceed without compromising the structural integrity of the building(s). Upon such determination, DSA will issue a Rescission to the Request for District/Owner to stop work, by e-mail, with a copy to design professional and project inspector, concluding that the matter is resolved and DSA has no objection to construction resuming.

2. Stop Work Order:

2.1 Initiation of Stop Work Order

DSA may issue a Stop Work Order when construction work on a public school project is not being performed in accordance with applicable rules and regulations, and:

- DSA determines that there is an immediate need to stop work to mitigate non-compliant condition that compromises the structural integrity of the structure thereby endangering public safety; and/or,
- Previously issued Request for District/Owner to Stop Work and/or Order to Comply did not resolve the non-compliant condition.

The DSA Regional Manager will contact the District/Owner by phone or in person to discuss the concerns and inform the District/Owner that a Stop Work order is being issued. The templates for Stop Work Order and Notice (to be posted on the job site) are attached for reference.

The Stop Work Order will be signed by the State Architect, the Deputy State Architect, or a designated representative and delivered to the District/Owner by certified mail with return receipt requested. Copies will be sent to the project inspector, design professional in responsible charge, and to the Office of the Attorney General.

DSA may issue written instructions to the project inspector, if necessary, at this time.

2.2 District/Owner Response to Stop Work Order

Upon receipt of the Stop Work Order, the District/Owner shall do the following:

- Post the Stop Work Notice in prominent location(s) on the project site in the vicinity of the affected work;
- Verify that the contractor has stopped work, as specified;
- Direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required;
- Not permit the re-start of construction of work affected by the deficiency without written notification from DSA that the corrective work has been resolved to DSA's satisfaction.

District/Owner shall send written correspondence to DSA with confirmation of work stoppage, direction provided to the design professional and an acknowledgement that work will not be permitted to re-start without DSA approval.

2.3 Enforcement of Stop Work Order

If work does not stop immediately upon issuance of a Stop Work Order or resumes prior to DSA rescission of the Stop Work Order, the matter will be referred to the Office of the Attorney General for enforcement.

2.4 Corrective Plan

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a plan that outlines actions required to correct non-compliant condition and provides a schedule for actions required;
- Submit the corrective plan to DSA for review and approval;
- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

2.5 Implementation of Corrections

- Upon receipt of DSA approval for the corrective plan and any documents requiring DSA approval, the District/Owner may authorize corrective work to proceed.
- DSA approved project inspector shall monitor the corrective work, if applicable, and document construction activities by the means of daily reports (or other method of documenting continuous inspection), and semi-monthly reports submitted to DSA.

2.6 Rescission of Stop Work Order

- Upon completion of corrections, the District/Owner shall notify DSA and request a rescission of the Stop Work Order.
- DSA will review the any applicable records, confer with the project inspector, and will conduct a site visit, if necessary, to determine whether the issue has been resolved and whether construction can proceed without compromising the structural integrity of the building(s). Upon such determination, the State Architect, the Deputy State Architect, or a designated representative will notify, by mail, the District/Owner and all applicable parties that the matter is resolved and Stop Work Order is rescinded. A courtesy copy may be sent by e-mail.
- Upon receipt of DSA rescission of Stop Work Order, the District/Owner may remove Stop Work Order notices from project site.

3. Order to Comply:

3.1 Initiation of Order to Comply

Order to Comply may be issued when a non-compliant condition exists and, if not corrected, will compromise the structural integrity of the building and endanger public safety.

Examples:

1. The District/Owner retained a testing facility that is not accepted by DSA, while no materials testing is scheduled to start for a period of time. In that case, DSA will not require work to be stopped, and will, in turn, issue an Order to Comply.
2. Deficient construction has been performed that can be remedied without stopping any other work (i.e. deficient construction will remain accessible for repair and inspection). DSA will issue an Order to Comply to facilitate compliance but will not stop subsequent construction as long as it does not compromise structural integrity of the building.

In addition, DSA may issue an Order to Comply when there are unresolved issues that were not addressed by a voluntary work stoppage by District/Owner.

The DSA Field Supervisor or Regional Manager may first contact the District/Owner by phone to discuss the concerns and then follow with an Order to Comply, distributed by e-

mail, with copies provided to design professional in general responsible charge and project inspector. The Order shall contain the following:

- Description of the non-compliant condition to be resolved;
- Outline of scope of work that is impacted by the non-compliant condition and shall not continue without correction of non-compliant condition;
- A timeline for a response to DSA.

DSA may issue written instructions to the project inspector, if necessary, at this time.

3.2 District/Owner Response to the Order to Comply

In response to the Order to Comply, the District/Owner must direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required.

In addition, the District/Owner must send written correspondence to DSA, within the timeline specified by DSA, containing the following acknowledgements:

- District/Owner has directed the design professional to prepare a corrective plan, as specified above; and,
- District/Owner will not proceed or continue with any work affected by the non-compliant condition(s) without written notification from DSA that the issue(s) has been resolved to DSA's satisfaction.

3.3 Corrective Plan

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a plan that outlines actions required to correct non-compliant condition and provides a schedule for proposed work;
- Submit the corrective plan to DSA for review and approval;
- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

3.4 Implementation of Corrections

- Upon receipt of DSA approval for the corrective plan and any documents requiring DSA approval, the District/Owner may authorize corrective work to proceed.
- DSA approved project inspector shall monitor the corrective work, if applicable, and document construction activities by the means of daily reports (or other method of documenting continuous inspection), and semi-monthly reports submitted to DSA.

3.5 Rescission of Order to Comply

- Upon completion of corrections, the District/Owner shall notify DSA and request a rescission of the Order to Comply.
- DSA will review the any applicable records, confer with the project inspector, and will conduct a site visit, if necessary, to determine whether the issue has been resolved and whether construction can proceed without compromising the structural integrity of the building(s). Upon such determination, DSA will issue a notification by e-mail to District/Owner, with a copy to design professional and project inspector, that the matter is resolved and the Order to Comply is rescinded.

4. Stoppage of Work in Off-Site Facilities:

School buildings or building components being constructed in fabrication (manufacturing) facilities, including but not limited to relocatable school buildings or modular components, are subject to the same processes described in the previous sections.

The District/Owner contracting with the fabrication facility shall be responsible for enforcing the stoppage of work and ensuring that work is corrected. In such cases, in-plant inspectors shall assume project inspector duties as specified in previous sections.

APPENDICES

Appendix 1 - DSA Template SW3 - Stop Work Order Letter

Appendix 2 - DSA Stop Work Order Notice

Appendix 1 - DSA Template SW3 - Stop Work Order Letter



Division of the
State Architect
CALIFORNIA DEPARTMENT OF GENERAL SERVICES

Oakland Office
1515 Clay Street, Suite 1201 | T 510.622.3101
Oakland, CA 94612 | F 510.622.3140
www.dgs.ca.gov/dsa

DSA File #: FILE NO.
Application #: APP. NO.

DATE

Sent by e-mail and certified mail

NAME

TITLE

DISTRICT NAME DISTRICT TYPE

ADDRESS

CITY, CA ZIP

RE: STOP WORK ORDER for PROJECT NAME

Dear MR/MS NAME:

You are hereby ordered to stop construction work on the SCOPE OF WORK because work is being performed that is not in compliance with applicable rules and regulations and may compromise structural integrity of the building thereby endangering public safety.

This notice is issued pursuant to California Education Code section APPLICABLE CODE SECTION and California Building Standards Administrative Code, Title 24, Part 1, Section 4-334.1.

Enclosed is a STOP WORK NOTICE that you are required to post in prominent locations on the construction project site or surrounding the defined areas affected by the non-compliant work. If work does not stop immediately the matter will be referred to the Office of the Attorney General for enforcement action.

The following constitutes the non-compliant condition that is the basis for this Stop Work Order:

Describe non-compliant construction. Include reference to drawing details, specifications sections, and/or CBC sections/Standards to clarify how construction is non-compliant. For Part 1 violations, provide references to applicable regulations.

This Stop Work Order applies to SCOPE

Describe the areas/buildings, where construction must stop and the scope of work that cannot proceed as it will conceal the non-compliant condition.

Upon receipt of this Stop Work Order, the District shall do the following:

- Post the Stop Work Order Notice in prominent location(s) on the project site in the vicinity of the affected work;
- Verify that the contractor has stopped work, as specified;
- Direct the design professional in general responsible charge to submit to DSA a corrective plan and any construction documents for which DSA approval is required;
- Not permit the re-start of construction of work affected by the deficiency without written notification from DSA that the corrective work has been resolved to DSA's satisfaction.
- Send written correspondence to DSA with conformation of work stoppage, direction provided to design professional, and an acknowledgement that work will not be permitted to re-start without DSA approval.

The design professional in general responsible charge (licensed architect or registered structural engineer) shall do the following:

- Prepare a plan that outlines actions required to correct non-compliant condition and provides a schedule for proposed work;
- Submit the corrective plan to DSA for review and approval;

Appendix 1 (cont.) - DSA Template SW3 - Stop Work Order Letter

NAME
DISTRICT NAME

- 2 -

DATE

- Prepare and submit any documents for which DSA approval is required, such as changes to the DSA approved list of structural tests and inspections, construction change documents, etc.

This Stop Work Order will be rescinded when corrections are satisfactorily completed in accordance with DSA approved documents and under the inspection of a DSA approved project inspector. Please refer to DSA Interpretation of Regulations A-13, available on DSA web site, for additional details.

Please direct all questions and correspondence on this matter to NAME at E-MAIL ADDRESS or TELEPHONE NUMBER.

Sincerely,

NAME
State Architect

cc: NAME – Project Inspector
NAME – Design Professional in General Responsible Charge
NAME – School District Facilities Director
NAME – Regional Manager
NAME – Deputy State Architect
NAME – Field Supervisor
NAME – Field Engineer
NAME – Supervisor, DSA Structural Codes & Standards
NAME – DSA Legal Counsel
NAME – Attorney General

Enclosure

Appendix 2 – DSA Stop Work Order Notice (to be completed by DSA)

**CALIFORNIA DEPARTMENT OF GENERAL SERVICES
DIVISION OF THE STATE ARCHITECT**



STOP WORK ORDER

This notice is issued pursuant to:
Section 4-334.1 of the California Building
Standards Administrative Code, CCR Title 24, Part 1,
Sections 17307.5 and 81133.5 of the California Education Code,
and Section 16017.5 of the California Health and Safety Code.

Application #

File #

STOP WORK ORDER

Date of Notice:

School District/Owner:

Stop Work Order Issued by:

Project:

Project Address:

State Architect or Authorized Representative

ALL WORK (AS NOTED BELOW) MUST CEASE IMMEDIATELY.

Any person who works on this building/structure or area after having been served this stop work order, shall be subject to penalties prescribed by law, unless that person is authorized to remove a violation or unsafe condition.

Contact DSA Regional Office at () - if any questions

DESCRIPTION OF AFFECTED WORK:



No person shall remove, or obstruct the visibility of this notice unless authorized by DSA