

Assembly Bill No. 2148

CHAPTER 239

An act to amend Section 136.5 of, and to add Section 136.1 to, the Streets and Highways Code, relating to state highways.

[Approved by Governor August 24, 2002. Filed with Secretary of State August 26, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2148, Chu. State highways: contracts.

(1) Existing law authorizes the Department of Transportation to enter into contracts for the leasing or renting of tools or equipment for state highway purposes.

This bill would authorize the department to enter into major damage mitigation contracts for specific services regarding major damage repairs and operations on state highways.

(2) Existing law provides that certain contracts for the removal of structures and the leasing or renting of equipment for state highway purposes are exempt from the State Contract Act.

This bill would additionally exempt major damage mitigation contracts for the performance of specific services regarding major damage repairs and operations from the State Contract Act.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares that contracts entered into pursuant to Section 136.1 are not intended to be used as a means to cause the layoff or demotion of existing state civil service employees.

SEC. 2. Section 136.1 is added to the Streets and Highways Code, to read:

136.1. The department may enter into major damage mitigation contracts to perform major damage repairs and operations on state highways when caused by sudden, unforeseen events such as storms, landslides, flooding, high surf, earthquakes or other geological action, or civil unrest. These contracts may be entered into prior to the onset of major damage in order to retain the contractor in readiness to respond to incidents as needed. Work performed under each contract shall be limited to physical construction, demolition, debris removal, and traffic control. The work shall be considered, for funding purposes, as a public works construction project.



SEC. 3. Section 136.5 of the Streets and Highways Code is amended to read:

136.5. (a) The contracts referred to in Sections 135, 136, and 136.1 are not subject to the State Contract Act (Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code). Except for emergency work of the type described in subdivision (b), whenever the estimated amount of a contract exceeds two thousand five hundred dollars (\$2,500), it shall be awarded to the lowest responsible bidder, after competitive bidding on any reasonable notice that the department may prescribe. Posting of notice for five days in a public place in the district office within which the work is to be done, or the equipment used, is sufficient. Those contracts shall be subject to the applicable payment bond provisions of Chapter 7 (commencing with Section 3247) of Part 4 of Division 3 of the Civil Code. The department may require faithful performance bonds when considered necessary. The advertisement for each contract shall state whether or not a bond shall be required.

(b) In cases of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, accident, or other casualty, tools or equipment may be rented for a period of not to exceed 60 days without competitive bidding, and the department may waive the requirements of Chapter 7 (commencing with Section 3247) of Part 4 of Division 3 of the Civil Code to the extent that a contractor may commence performance of the work under the contract for the rental of tools or equipment prior to filing a payment bond with the department. In that case, no payment shall be made to the contractor until a payment bond covering all work of the contract is filed with the department.

