

AMENDED IN SENATE APRIL 17, 2006

AMENDED IN SENATE MARCH 27, 2006

SENATE BILL

No. 1618

Introduced by Senator McClintock

February 24, 2006

An act to amend ~~Section 21072~~ of Sections 21070, 21071, and 21072 of, and to amend the heading of Article 74 of Chapter 1.5 of Part 3 of Division 2 of, the Public Contract Code, relating to local agency contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1618, as amended, McClintock. Local agency contracts.

Existing law prescribes procedures for contracting for cities, counties, special districts, and any other agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Existing law establishes procedures by which these entities may take immediate action in the event of an emergency, to obtain equipment, services, and supplies for emergency purposes, without giving notice for bids to let contracts.

Existing law authorizes the *Ventura County* Flood Control District to perform emergency work by negotiated contract without advertising for bids, if specified procedures are followed.

This bill would ~~authorize~~ *change the name of* the *Ventura County* Flood Control District to *the Ventura County Watershed District* and *would authorize that district to* perform emergency work by negotiated contract without advertising for bids or requiring bonds if specified procedures are followed. *This bill would also make technical conforming amendments.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

1 SECTION 1. *The heading of Article 74 (commencing with*
2 *Section 21070) of Chapter 1.5 of Part 3 of Division 2 of the*
3 *Public Contract Code is amended to read:*

4
5 Article 74. ~~Ventura County Flood Control Watershed~~
6 Protection District
7

8 SEC. 2. *Section 21070 of the Public Contract Code is*
9 *amended to read:*

10 21070. The provisions of this article shall apply to contracts
11 by the Ventura County ~~Flood Control Watershed Protection~~
12 District, as provided for in Chapter 44 of the Statutes of the 1944
13 Fourth Extra Session.

14 SEC. 3. *Section 21071 of the Public Contract Code is*
15 *amended to read:*

16 21071. (a) All contracts for any improvement or unit of work
17 except as hereinafter provided estimated to cost in excess of ten
18 thousand dollars (\$10,000) shall be let to the lowest responsible
19 bidder in the manner hereinafter provided. ~~The said~~ board of
20 supervisors of ~~said~~ *the* district shall advertise by three insertions
21 in a daily newspaper of general circulation or two insertions in a
22 weekly newspaper of general circulation printed and published in
23 ~~said~~ *the* district inviting sealed proposals for the construction of,
24 the improvement or work before any contract shall be made
25 therefor, and may let by contract separately any part of ~~said~~ *the*
26 work or improvement. The board shall require the successful
27 bidder to file with the board good and sufficient bonds to be
28 approved by the board conditioned upon the faithful performance
29 of the contract and upon the payment of their claims for labor
30 and material in connection therewith, such bonds to contain the
31 terms and conditions set forth in Chapter ~~3 of Division 5 of Title~~
32 ~~1 of the Government~~ 7 *(commencing with Section 3247) of Title*
33 *5 of Part 4 of the Civil Code* and to be subject to the provisions
34 of that chapter. The board shall also have the right to reject any
35 and all bids. In the event all proposals are rejected or no

1 proposals are received pursuant to advertisement therefor, or
2 where the estimated cost of such work does not exceed the sum
3 of ten thousand dollars (\$10,000), or the work consists of channel
4 protection, or maintenance work, or emergency work when
5 necessary in order to protect life and property from impending
6 flood damage, the board of supervisors may without advertising
7 for bids ~~therefor and without the bonds have said~~ the work done
8 by force account or negotiated contract.

9 (b) The district shall have the power to purchase in the open
10 market without advertising for bids therefor, materials, supplies,
11 equipment, and other personal property for use in any work
12 therewith either under contract or by force account where the
13 costs thereof do not exceed ten thousand dollars (\$10,000). It
14 shall be the duty of the purchasing agent of Ventura County, as
15 the ex officio purchasing agent of the Ventura County ~~Flood~~
16 ~~Control Watershed Protection~~ District, unless otherwise ordered
17 by the board of supervisors, to purchase for the district all
18 materials, supplies, equipment, and other personal property
19 necessary to carry out the purposes of this act, and to engage
20 independent contractors to perform sundry services for the
21 district, where the aggregate cost of such work, exclusive of
22 materials to be furnished by the district, does not exceed ten
23 thousand dollars (\$10,000).

24 (c) The purchasing agent shall make all such purchases and
25 contracts upon proper requisition therefor, signed by the
26 engineer-manager of the district, or his or her authorized
27 representative.

28 (d) If the work consists of the maintenance or alteration of
29 existing facilities, including electrical, painting, and roofing in
30 connection therewith, and if the cost of labor and materials for
31 such work according to the engineer's estimate will exceed five
32 thousand dollars (\$5,000), and if the work is not of the type of
33 work referred to in this section, such maintenance and alteration
34 work shall be performed under a contract or contracts ~~which that~~
35 shall be let to the lowest responsible bidder or bidders in the
36 manner described in this section.

37 **SECTION 1.**

38 *SEC. 4.* Section 21072 of the Public Contract Code is
39 amended to read:

- 1 21072. (a) Emergency work may be done by negotiated
- 2 contract without advertising for bids or requiring bonds.
- 3 (b) In case of an emergency, if notice for bids to let contracts
- 4 will not be given, the board of supervisors shall comply with
- 5 Chapter 2.5 (commencing with Section 22050).

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