

Introduced by Senator SimitianFebruary 22, 2007

An act to amend Sections 17250.20, 81700, and 81702 of, and to repeal Sections 81700.5 and 81700.7 of, the Education Code, and to repeal Sections 18 and 19 of Chapter 35 of the Statutes of 2006, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as introduced, Simitian. Public works: design-build contracts.

(1) Existing law authorizes, until January 1, 2010, a school district governing board to enter into a design-build contract, as defined, in which factors in addition to price and cost may be considered in awarding a contract for the design and construction of a school facility that exceeds \$10,000,000.

This bill instead would authorize a school district governing board to enter into those contracts that exceed \$2,000,000 and would make this authority permanent by deleting the repeal date.

(2) Existing law authorizes the governing boards of 3 specified community college districts and up to 5 community college facility construction projects selected by the Chancellor of the California Community Colleges to enter into a design-build contract, as defined, until January 1, 2011, in which factors in addition to price and cost may be considered in awarding a contract for the design and construction of a community college facility for an amount that exceeds \$10,000,000.

This bill instead would make those provisions applicable to any community college district governing board, would authorize the governing board of a community college district to enter into those contracts that exceed \$2,000,000, and would make this authority permanent by deleting the repeal date.

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

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

1 SECTION 1. Section 17250.20 of the Education Code is
2 amended to read:

3 17250.20. Upon making a determination by a school district
4 governing *board* that it is in the best interest of the school district,
5 the governing board may enter into a design-build contract for
6 both the design and construction of a school facility if that
7 expenditure exceeds ~~ten million dollars (\$10,000,000)~~ *two million*
8 *dollars (\$2,000,000)* if, after evaluation of the traditional design,
9 bid, and build process of school construction and of the
10 design-build process in a public meeting, the governing board
11 makes written findings that use of the design-build process on the
12 specific project under consideration will accomplish one of the
13 following objectives: reduce comparable project costs, expedite
14 the project’s completion, or provide features not achievable through
15 the traditional design-bid-build method. The governing board *also*
16 shall ~~also~~ review the guidelines developed pursuant to Section
17 17250.40 and shall adopt a resolution approving the use of a
18 design-build contract pursuant to this article prior to entering into
19 a design-build contract.

20 SEC. 2. Section 81700 of the Education Code is amended to
21 read:

22 81700. (a) It is the intent of the Legislature to enable
23 community college districts to utilize safe and cost effective options
24 for building and modernizing community college facilities. The
25 Legislature has recognized the merits of the design-build
26 procurement process in the past by authorizing its use for projects
27 undertaken by the University of California, specified local
28 government projects, including school districts, and state office
29 buildings.

30 (b) The Legislature also finds and declares that community
31 college districts utilizing a design-build contract require a clear
32 understanding of the roles and responsibilities of each participant
33 in the design-build process. The benefits of a design-build contract
34 project delivery system include an accelerated completion of the
35 projects, cost containment, reduction of construction complexity,

1 and reduced exposure to risk for the community college district.
2 The Legislature also finds that the cost effective benefits to the
3 community college districts are achieved by shifting the liability
4 and risk for cost containment and project completion to the
5 design-build entity.

6 (c) It is the intent of the Legislature to provide an optional,
7 alternative procedure for bidding and building community college
8 construction projects.

9 (d) In addition, it is the intent of the Legislature that the full
10 scope of design, construction, and equipment awarded to a
11 design-build entity under this chapter shall be authorized in a single
12 funding phase. The funding phase may be authorized concurrently
13 with, or separately from, the phase that authorizes the creation of
14 the performance criteria and concept drawings.

15 (e) It is the intent of the Legislature that design-build
16 procurement as authorized by this chapter shall not be construed
17 to extend, limit, or change in any manner the legal responsibility
18 of public agencies and contractors to comply with existing laws.

19 ~~(f) It is the intent of the Legislature to authorize three community
20 college districts, and up to five community college facility
21 construction projects selected by the Chancellor of the California
22 Community Colleges, to use the procedures of this chapter and to
23 receive a report detailing the effectiveness of these procedures.~~

24 SEC. 3. Section 81700.5 of the Education Code is repealed.

25 ~~81700.5. This chapter applies only with respect to all of the
26 following:~~

27 ~~(a) The Los Angeles Community College District.~~

28 ~~(b) The San Jose-Evergreen Community College District.~~

29 ~~(c) The San Mateo Community College District.~~

30 ~~(d) Up to five community college facility construction projects
31 selected by the chancellor pursuant to Section 81700.7.~~

32 SEC. 4. Section 81700.7 of the Education Code is repealed.

33 ~~81700.7. The chancellor may select up to five community
34 college facility construction projects, from districts, other than the
35 districts specified in Section 81700.5, that apply for this
36 designation, that he or she deems appropriate to use the procedures
37 of this chapter.~~

38 SEC. 5. Section 81702 of the Education Code is amended to
39 read:

1 81702. (a) Upon a determination by a community college
 2 district governing board that it is in the best interest of the
 3 community college district, the governing board may enter into a
 4 design-build contract for both the design and construction of a
 5 community college facility if that expenditure exceeds ~~ten million~~
 6 ~~dollars (\$10,000,000)~~ *two million dollars (\$2,000,000)* if, after
 7 evaluation of the traditional design, bid, and build process of
 8 community college facility construction and of the design-build
 9 process in a public meeting, the governing board makes written
 10 findings that use of the design-build process on the specific project
 11 under consideration will accomplish one of the following
 12 objectives: reduce comparable project costs, expedite the project's
 13 completion, or provide features not achievable through the
 14 traditional design-bid-build method. The governing board shall
 15 also review the guidelines developed pursuant to Section 81706
 16 and shall adopt a resolution approving the use of a design-build
 17 contract pursuant to this chapter prior to entering into a
 18 design-build contract.

19 (b) No state funds appropriated for a design-build capital outlay
 20 project may be expended until the Department of Finance and the
 21 State Public Works Board have approved performance criteria, or
 22 performance criteria and concept drawings, for the project to be
 23 financed from the appropriation for capital outlay.

24 SEC. 6. Section 18 of Chapter 35 of the Statutes of 2006 is
 25 repealed.

26 ~~SEC. 18. Section 4 of Chapter 421 of the Statutes of 2001 is~~
 27 ~~amended to read:~~

28 ~~Sec. 4. This act shall remain in effect only until January 1,~~
 29 ~~2010, and as of that date is repealed, unless a later enacted statute,~~
 30 ~~that is enacted before January 1, 2010, deletes or extends that date.~~

31 SEC. 7. Section 19 of Chapter 35 of the Statutes of 2006 is
 32 repealed.

33 ~~SEC. 19. Section 4 of Chapter 637 of the Statutes of 2002 is~~
 34 ~~amended to read:~~

35 ~~Sec. 4. This act shall remain in effect only until January 1,~~
 36 ~~2011, and as of that date is repealed, unless a later enacted statute,~~
 37 ~~that is enacted before January 1, 2011, deletes or extends that date.~~