

AMENDED IN ASSEMBLY MARCH 22, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1760

Introduced by Assembly Member Blumenfield

February 8, 2010

An act to add and repeal Article 6.5 (commencing with Section 217) of Chapter 1 of Division 1 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1760, as amended, Blumenfield. Design-sequencing contracts.

Until January 1, 2010, the Department of Transportation was authorized to conduct a pilot project to let design-sequencing contracts, as defined, for design and construction of not more than 12 transportation projects. These provisions are now repealed.

This bill would reenact similar provisions, ~~applicable to up to 10 authorizing the department to let design-sequencing contracts for the design and construction of transportation projects, to be effective until January 1, 2014 2016. The bill would require a report to the Legislature describing and evaluating the outcome of the contracts undertaken pursuant to these provisions.~~

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. The Legislature finds and declares all of the
2 following:

1 (a) The design-sequencing pilot program was established by
2 previous state legislation and administered by the Department of
3 Transportation. The first and second phase of the program
4 authorized a total of 24 design-sequencing projects and had a
5 sunset date of January 1, 2010. A report will be submitted to the
6 Legislature that will describe and evaluate the outcome of the
7 completed projects. Current design-sequencing indicators have
8 provided generally good assessments of the program.

9 (b) Federal stimulus funds for transportation often require
10 projects to be awarded under time constraints.

11 (c) It is the intent of the Legislature, therefore, to provide the
12 Department of Transportation with a project delivery tool that has
13 the potential to increase efficiency, reduce costs incurred by the
14 state, and help California take advantage of federal funds.

15 (d) It is the intent of the Legislature that the Department of
16 Transportation be provided with interim authority to establish
17 design-sequencing contracts. Because current evaluations of the
18 pilot program show positive outcomes in time savings, the interim
19 authority will allow design-sequencing to be used as a valuable
20 tool on appropriately selected projects. This will help the state
21 utilize federal funds as they become available pending conclusions
22 of the pilot program’s final report scheduled for completion in
23 2015.

24 **SECTION 1.**

25 **SEC. 2.** Article 6.5 (commencing with Section 217) is added
26 to Chapter 1 of Division 1 of the Streets and Highways Code, to
27 read:

28
29 **Article 6.5. Design-Sequencing ~~Demonstration and Evaluation~~**
30 **Program**

31
32 217. The following definitions apply for the purposes of this
33 article:

- 34 (a) “Design” is a plan completed to a level of 30 percent.
35 (b) “Design-sequencing” is a method of contracting that enables
36 the sequencing of design activities to permit each construction
37 phase to commence when design for that phase is complete, instead
38 of requiring design for the entire project to be completed before
39 commencing construction.

1 (c) A “design-sequencing contract” is a contract between the
2 department and a contractor that requires the department to prepare
3 a design and permits construction of a project to commence upon
4 completion of design for a construction phase.

5 217.1. (a) Notwithstanding Chapter 1 (commencing with
6 Section 10100) of Part 2 of Division 2 of the Public Contract Code,
7 except Section 10128 of that code, and Chapter 10 (commencing
8 with Section 4525) of Division 5 of Title 1 of the Government
9 Code, the department may let design-sequencing contracts for the
10 design and construction of ~~not more than 10~~ transportation projects,
11 to be selected based on criteria established by the director. For the
12 purpose of this article, these projects shall be deemed public works.

13 (b) In selecting projects for the program authorized under
14 subdivision (a), the director shall attempt to balance geographical
15 areas among projects as well as pursue diversity in the types of
16 projects undertaken. In this process, the director shall consider
17 selecting projects that improve interregional and intercounty routes.

18 (c) To the extent available, the department shall seek to
19 incorporate existing knowledge and experience on
20 design-sequencing contracts in carrying out its responsibilities
21 under subdivision (a).

22 ~~217.2. Not later than July 1, 2011, and July 1 of each~~
23 ~~subsequent year during which a contract under the program, as~~
24 ~~described in Section 217.1, is in effect, the department shall prepare~~
25 ~~a status report on its contracting methods, procedures, costs, and~~
26 ~~delivery schedules. Notwithstanding Section 217.4, upon~~
27 ~~completion of all design-sequencing contracts, but in no event later~~
28 ~~than December 31, 2013, the department shall establish a peer~~
29 ~~review committee or continue in existence the peer review~~
30 ~~committee created pursuant to former Section 217.4, which was~~
31 ~~added by Chapter 378 of the Statutes of 1999, and direct that~~
32 ~~committee to prepare a report for submittal to the Legislature that~~
33 ~~describes and evaluates the outcome of the contracts provided for~~
34 ~~in Section 217.1, stating the positive and negative aspects of using~~
35 ~~design-sequencing as a contracting method.~~

36 ~~217.3.~~

37 217.2. Design-sequencing contracts under the program, as
38 described in Section 217.1, shall be awarded in accordance with
39 both of the following:

1 (a) The department shall advertise design-sequencing projects
2 by special public notice to contractors.

3 (b) Contractors shall be required to provide prequalification
4 information establishing appropriate licensure and successful past
5 experience with the proposed work.

6 ~~217.4.~~

7 217.3. This article shall remain in effect only until January 1,
8 ~~2014~~ 2016, and as of that date is repealed, unless a later enacted
9 statute, that is enacted before January 1, ~~2014~~ 2016, deletes or
10 extends that date.