

AMENDED IN ASSEMBLY APRIL 22, 2010

AMENDED IN ASSEMBLY MARCH 22, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 2184

Introduced by Assembly Member Arambula

February 18, 2010

~~An act to amend Section 13 of the Fresno Metropolitan Flood Control Act (Chapter 503 of the Statutes of 1955), relating to the Fresno Metropolitan Flood Control District. An act to amend Section 22037 of the Public Contract Code, relating to public contracts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2184, as amended, Arambula. ~~Fresno Metropolitan Flood Control District contracts.~~ *Public contracts: local agency: alternative bidding procedures: notice.*

The Uniform Public Construction Cost Accounting Act provides for alternative bidding procedures for public projects let by contract by a public agency when the public agency has voluntarily elected to become subject to the accounting procedures set forth in that law. That law sets forth publishing requirements for notices inviting formal bids to let contracts, including a requirement to mail the notice to all construction trade journals at least 30 calendar days before the date of opening the bids.

This bill would also require the notice to be sent electronically, if available, by either facsimile or electronic mail to all construction trade journals, and would instead require notice to be sent at least 15 calendar days before the date of opening the bids.

~~The Fresno Metropolitan Flood Control Act (flood control act) establishes the Fresno Metropolitan Flood Control District (district) and grants to the district authority relating to flood control. The act requires that a contract entered into by the district for materials, supplies, or for the construction or repair of works or improvements that has a contract price that exceeds \$10,000 be let to the lowest responsible bidder in accordance with specified public bidding requirements. The act authorizes the district to enter a contract without public bidding if the contract price does not exceed \$10,000.~~

~~This bill would increase the contract price amounts set forth in the flood control act to \$30,000.~~

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. Section 22037 of the Public Contract Code is
2 amended to read:

3 22037. Notice inviting formal bids shall state the time and
4 place for the receiving and opening of sealed bids and distinctly
5 describe the project. The notice shall be published at least 14
6 calendar days before the date of opening the bids in a newspaper
7 of general circulation, printed and published in the jurisdiction of
8 the public agency; or, if there is no newspaper printed and
9 published within the jurisdiction of the public agency, in a
10 newspaper of general circulation which is circulated within the
11 jurisdiction of the public agency, or, if there is no newspaper which
12 is circulated within the jurisdiction of the public agency,
13 publication shall be by posting the notice in at least three places
14 within the jurisdiction of the public agency as have been designated
15 by ordinance or regulation of the public agency as places for the
16 posting of its notices. The notice inviting formal bids shall also be
17 *sent electronically, if available, by either facsimile or electronic*
18 *mail and* mailed to all construction trade journals specified in
19 Section 22036. The notice shall be ~~mailed~~ *sent* at least ~~30~~ 15
20 calendar days before the date of opening the bids. In addition to
21 notice required by this section, the public agency may give such
22 other notice as it deems proper.

23 SECTION 1. ~~Section 13 of the Fresno Metropolitan Flood~~
24 ~~Control Act (Chapter 503 of the Statutes of 1955), as amended by~~

1 Section 18 of Chapter 142 of the Statutes of 1998, is amended to
2 read:

3 ~~SEC. 13. (a) A contract for materials, supplies, or for the~~
4 ~~construction or repair of works or improvements that has a contract~~
5 ~~price exceeding thirty thousand dollars (\$30,000) shall be let to~~
6 ~~the lowest responsible bidder after notice inviting bids is published~~
7 ~~in the district pursuant to Section 6061 of the Government Code.~~
8 ~~The publication shall not be less than 10 days prior to the date set~~
9 ~~for the opening of bids.~~

10 (b) ~~The contract may be let by the board without public bidding~~
11 ~~if one or more of the following applies:~~

12 (1) ~~The contract is entered into with any other public agency or~~
13 ~~governmental entity.~~

14 (2) ~~The contract price does not exceed thirty thousand dollars~~
15 ~~(\$30,000).~~

16 (3) ~~An emergency threatening the public health, safety, and~~
17 ~~welfare has been declared by the board.~~

18 (e) ~~A contract for the maintenance or operation of district works~~
19 ~~or improvements may be negotiated when determined by the board~~
20 ~~to be in the public interest.~~