

AMENDED IN ASSEMBLY JUNE 24, 2010

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1450

Introduced by Senator Simitian

February 19, 2010

An act to add Section ~~85035~~ 85215 to the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1450, as amended, Simitian. Water: Delta Stewardship Council: contracts.

The Sacramento-San Joaquin Delta Reform Act of 2009 establishes the Delta Stewardship Council, which is required to develop, adopt, and commence implementation of a comprehensive management plan for the Delta (Delta Plan) by January 1, 2012. The act provides that the council is the successor to the California Bay-Delta Authority and requires the council to administer contracts, grants, easements, and agreements made or entered into by the authority. *The act prescribes the powers of the council, which include, among others, the power to enter into contracts, to hire employees, and to adopt regulations or guidelines.*

Existing law prescribes requirements for selection of firms by state and local agency heads for architectural and engineering services and other professional services.

This bill would expressly authorize the council to contract for consultant services and architectural and engineering services to assist with preparation of the Delta Plan and performance of certain responsibilities of the council. The bill would exempt these contracts from specified provisions of law governing public contracting, but

would require the contracts to be entered into on a competitive bid basis, as specified. The bill would require the council to establish procedures for contracting for consultant services and architectural and engineering services.

The act requires the council to develop an interim plan that includes recommendations for early actions, projects, and programs. The act requires the Department of Water Resources to assist in implementing certain early action ecosystem restoration projects.

This bill would provide that a contract made or entered into by the department is not binding on the council unless the contract is approved by the council.

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

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

1 SECTION 1. Section 85215 is added to the Water Code, to
2 read:

3 85215. (a) The council may contract for consultant services
4 and architectural and engineering services to assist the council
5 with all of the following functions:

6 (1) Preparation of the Delta Plan and associated environmental
7 review.

8 (2) Performance of the council's responsibilities, or the
9 responsibilities of the Delta Independent Science Board, with
10 respect to the Bay Delta Conservation Plan.

11 (3) Determination of the consistency of state and local public
12 agency actions with the Delta Plan.

13 (4) Performance of scientific review to inform water and
14 environmental decisionmaking in the Delta.

15 (b) (1) Contracts entered into pursuant to subdivision (a) shall
16 be exempt from Chapter 10 (commencing with Section 4525) of
17 Division 5 of Title 1 of the Government Code, Article 4
18 (commencing with Section 19130) of Chapter 5 of Part 2 of
19 Division 5 of Title 2 of the Government Code, Part 2 (commencing
20 with Section 10100) of Division 2 of the Public Contract Code,
21 and any rules or regulations adopted pursuant to those laws.

22 (2) Contracts entered into pursuant to subdivision (a) shall be
23 entered into on a competitive bid basis. The council shall not enter
24 into a contract pursuant to subdivision (a) unless at least three

1 *bids or proposals to do the work have been evaluated by a*
2 *competitive process.*

3 *(3) The council shall establish procedures for contracting for*
4 *services pursuant to subdivision (a), consistent with paragraphs*
5 *(1) and (2). The procedures shall be exempt from Chapter 3.5*
6 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
7 *2 of the Government Code.*

8 ~~SECTION 1. Section 85035 is added to the Water Code, to~~
9 ~~read:~~

10 ~~85035. A contract made or entered into by the department is~~
11 ~~not binding on the council unless the contract is approved by the~~
12 ~~council.~~