

AMENDED IN ASSEMBLY AUGUST 2, 2010

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 ~~85215~~ *85213* 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 *Sacramento-San Joaquin* 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.

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 ~~85215~~ 85213 is added to the Water Code,
 2 to read:
 3 ~~85215.~~
 4 85213. (a) The council may contract for consultant services
 5 and architectural and engineering services to assist the council
 6 with all of the following functions:
 7 (1) Preparation of the Delta Plan and associated environmental
 8 review.
 9 (2) Performance of the council’s responsibilities, or the
 10 responsibilities of the Delta Independent Science Board, with
 11 respect to the Bay Delta Conservation Plan.
 12 (3) Determination of the consistency of state and local public
 13 agency actions with the Delta Plan.
 14 (4) Performance of scientific review to inform water and
 15 environmental decisionmaking in the Delta.
 16 (b) (1) Contracts entered into pursuant to subdivision (a) shall
 17 be exempt from Chapter 10 (commencing with Section 4525) of
 18 Division 5 of Title 1 of the Government Code, Article 4
 19 (commencing with Section 19130) of Chapter 5 of Part 2 of
 20 Division 5 of Title 2 of the Government Code, Part 2 (commencing
 21 with Section 10100) of Division 2 of the Public Contract Code,
 22 and any rules or regulations adopted pursuant to those laws.
 23 (2) Contracts entered into pursuant to subdivision (a) shall be
 24 entered into on a competitive bid basis. The council shall not enter
 25 into a contract pursuant to subdivision (a) unless at least three bids
 26 or proposals to do the work have been evaluated by a competitive
 27 process.
 28 (3) The council shall establish procedures for contracting for
 29 services pursuant to subdivision (a), consistent with paragraphs

1 (1) and (2). The procedures shall be exempt from Chapter 3.5
2 (commencing with Section 11340) of Part 1 of Division 3 of Title
3 2 of the Government Code.

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