

Senate Bill No. 1450

Passed the Senate August 19, 2010

Secretary of the Senate

Passed the Assembly August 17, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Section 85213 to the Water Code, relating to water, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1450, 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 contracts for consultant services from specified provisions of law governing public contracting. The bill would require contracts for architectural and engineering services to be entered into pursuant to the requirements for selection of firms by state and local agency heads discussed above, but would exempt those contracts from a requirement to adopt regulations prior to contracting. The bill would require the council to establish procedures for contracting for consultant services and architectural and engineering services.

This bill would declare that it is to take effect immediately as an urgency statute.

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

SECTION 1. Section 85213 is added to the Water Code, to read:

85213. (a) The council may contract for consultant services and architectural and engineering services to assist the council with all of the following functions:

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

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

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

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

(b) (1) Contracts entered into pursuant to subdivision (a) for consultant services shall be exempt from Article 4 (commencing with Section 19130) of Chapter 5 of Part 2 of Division 5 of Title 2 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and any rules or regulations adopted pursuant to those laws. Contracts entered into pursuant to subdivision (a) for architectural and engineering services shall be entered into pursuant to Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code, but are exempt from the requirement in Section 4526 of the Government Code to adopt regulations prior to contracting.

(2) The council shall not enter into a contract pursuant to subdivision (a) for consultant services unless at least three bids or proposals to do the work have been evaluated by a competitive process.

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

SEC. 2. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure proper contracting by the Delta Stewardship Council, it is necessary that this act take effect immediately.

Approved _____, 2010

Governor