

Introduced by Senator Knight

February 19, 2013

An act to add Section 20146 to the Public Contract Code, relating to public works contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 328, as amended, Knight. Counties: public works contracts.

Existing law provides that if the estimated cost of construction of any county building or the cost of any painting, or repairs thereto exceeds a specified sum, the work shall be done by contract and that any such contract not let pursuant to specified provisions is void. Existing law requires a board of supervisors to award the contract to the lowest responsible bidder. Existing law *also* authorizes a county, with approval of the board of supervisors, to utilize ~~a~~ *an alternative* procedure for bidding on construction projects in the county in excess of \$2,500,000 and to award the project using either the lowest responsible bidder or by best value, as specified.

This bill would authorize a county, with approval of the board of supervisors, to utilize construction manager at-risk construction contracts ~~for public works projects~~ *the erection, construction, alteration, repair, or improvement of any building owned or leased by the county. The bill would provide that a construction manager at-risk contract may only be used for projects in the county in excess of \$1,000,000 and to award the construction manager at-risk construction contract may be awarded* using either the lowest responsible bidder or best value method, as defined.

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 20146 is added to the Public Contract
2 Code, to read:
3 20146. (a) ~~Notwithstanding any other law, a~~ A county, with
4 approval of the board of supervisors, may utilize construction
5 manager at-risk construction contracts for ~~a public works project~~
6 *the erection, construction, alteration, repair, or improvement of*
7 *any building owned or leased by the county. A construction*
8 *manager at-risk construction contract may only be used for*
9 *projects in the county in excess of one million dollars (\$1,000,000)*
10 ~~and may award the construction manager at-risk construction~~
11 ~~contract may be awarded~~ using either the lowest responsible bidder
12 or best value method.
13 (b) For purposes of this section, the following definitions apply:
14 (1) “Best value” means a value determined by objective criteria
15 related to the experience of the entity and project personnel, project
16 plan, financial strength of the entity, safety record of the entity,
17 ~~and price, and other factors, as determined by the county.~~
18 (2) “Construction manager at-risk contract” means a
19 competitively procured contract by a county with an individual,
20 partnership, joint venture, corporation, or other recognized legal
21 entity, that is appropriately licensed in this state and that guarantees
22 the cost of a project and furnishes construction management
23 services, including, but not limited to, preparation and coordination
24 of bid packages, scheduling, cost control, value engineering,
25 evaluation, preconstruction services, and construction
26 administration.