

ASSEMBLY BILL

No. 2126

Introduced by Assembly Member Mullin

February 17, 2016

An act to amend Section 6701 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2126, as introduced, Mullin. Public contracts: Construction Manager/General Contractor contracts.

Existing law authorizes the Department of Transportation to use the Construction Manager/General Contractor method on no more than 6 projects, and requires 4 out of the 6 projects to use department employees or consultants under contract with the department to perform all project design and engineering services, as specified. Existing law requires specified information provided to the department pursuant to these provisions to be verified under oath.

This bill would authorize the department to use this method on 12 projects and would require 8 out of the 12 projects to use department employees or consultants under contract with the department to perform all project design and engineering services. By expanding this authorization, the bill would expand the scope of the crime of perjury, thus imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 6701 of the Public Contract Code is
2 amended to read:

3 6701. (a) The Construction Manager/General Contractor
4 method provided by this chapter may be used by the department,
5 but is not limited to, when it is anticipated that it will reduce project
6 costs or expedite project completion in a manner that is not
7 achievable through the design-bid-build method. Notwithstanding
8 any other law, for projects utilizing the Construction
9 Manager/General Contractor method provided by this chapter, the
10 department shall advertise, award, and administer the Construction
11 Manager/General Contractor contract. The department shall not
12 delegate the contracting authority.

13 (b) The department may use the Construction Manager/General
14 Contractor method on no more than ~~six~~ 12 projects, at least ~~five~~
15 10 of which shall have construction costs greater than ten million
16 dollars (\$10,000,000).

17 (c) On at least ~~four~~ eight of the projects utilizing the
18 Construction Manager/General Contractor method provided by
19 this chapter, the department shall use department employees or
20 consultants under contract with the department to perform all
21 project design and engineering services related to design required
22 for Construction Manager/General Contractor project delivery
23 consistent with Article XXII of the California Constitution. On all
24 ~~six~~ 12 projects, the department shall use department employees or
25 consultants under contract with the department to perform all
26 construction inspection services required for Construction
27 Manager/General Contractor project delivery consistent with
28 Article XXII of the California Constitution. Department resources,
29 including personnel requirements, necessary to perform all services
30 described in this subdivision shall be included in the department's
31 capital outlay support program for workload purposes in the annual
32 Budget Act.

33 (d) (1) The department shall prepare and submit to the
34 Legislature, no later than July 1 of each year during which any
35 project using the Construction Manager/General Contractor method

1 is ongoing, a report that describes each project and provides
2 relevant data, including, but not limited to, the stage of completion,
3 district, cost, description, status, and estimated time to completion.

4 (2) The department shall prepare and submit to the Legislature,
5 no later than July 1 of the year after any project using the
6 Construction Manager/General Contractor method has been
7 completed, a report that includes, in addition to the data in
8 paragraph (1), all of the following:

9 (A) Data on initial cost estimates, actual cost upon completion,
10 and the reasons for any difference.

11 (B) Estimated time for completion, actual time of completion,
12 and the reasons for any difference.

13 (C) The number and dollar value of any change orders for all
14 projects completed using the Construction Manager/General
15 Contractor method.

16 (e) (1) A report to be submitted pursuant to subdivision (d)
17 shall be submitted in compliance with Section 9795 of the
18 Government Code.

19 (2) Notwithstanding Section 10231.5 of the Government Code,
20 the requirement for submitting a report imposed under subdivision
21 (d) is inoperative on July 1 of the year following the submission
22 of the final report upon completion of the fourth project of the
23 department that uses the Construction Manager/General Contractor
24 method.

25 SEC. 2. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.