

**ASSEMBLY BILL**

**No. 2374**

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**Introduced by Assembly Member Chiu**

February 18, 2016

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An act to amend Sections 6971 and 6972 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2374, as introduced, Chiu. Construction Manager/General Contractor method: regional transportation agencies: ramps.

Existing law authorizes regional transportation agencies, as defined, to use the Construction Manager/General Contractor project delivery method, as specified, to design and construct certain expressways that are not on the state highway system if: (1) the expressways are developed in accordance with an expenditure plan approved by voters, (2) there is an evaluation of the traditional design-bid-build method of construction and of the Construction Manager/General Contractor method, and (3) the board of the regional transportation agency adopts the method in a public meeting.

This bill would authorize regional transportation agencies also to use this authority on ramps that are not on the state highway system, as specified. The bill would also remove the requirement that the project be developed in accordance with an expenditure plan approved by voters.

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 6971 of the Public Contract Code is  
2 amended to read:

3 6971. For purposes of this chapter, the following definitions  
4 apply:

5 (a) “Construction manager” means a partnership, corporation,  
6 or other legal entity that is able to provide appropriately licensed  
7 contracting and engineering services as needed pursuant to a  
8 Construction Manager/General Contractor method contract.

9 (b) “Construction Manager/General Contractor method” means  
10 a project delivery method in which a construction manager is  
11 procured to provide preconstruction services during the design  
12 phase of the project and construction services during the  
13 construction phase of the project. The contract for construction  
14 services may be entered into at the same time as the contract for  
15 preconstruction services, or at a later time. The execution of the  
16 design and the construction of the project may be in sequential  
17 phases or concurrent phases.

18 (c) “Preconstruction services” means advice during the design  
19 phase, including, but not limited to, scheduling, pricing, and  
20 phasing to assist the regional transportation agency to design a  
21 more constructible project.

22 (d) “Project” means the construction of an expressway *or ramp*  
23 that is not on the state highway system.

24 (e) “Regional transportation agency” means any of the  
25 following:

26 (1) A transportation planning agency described in Section 29532  
27 or 29532.1 of the Government Code.

28 (2) A county transportation commission established under  
29 Section 130050, 130050.1, or 130050.2 of the Public Utilities  
30 Code.

31 (3) Any other local or regional transportation entity that is  
32 designated by statute as a regional transportation agency.

33 (4) A joint exercise of powers authority established pursuant to  
34 Chapter 5 (commencing with Section 6500) of Division 7 of Title  
35 1 of the Government Code, with the consent of a transportation  
36 planning agency or a county transportation commission for the  
37 jurisdiction in which the transportation project will be developed.

1 (5) A local transportation authority created or designated  
2 pursuant to Division 12.5 (commencing with Section 131000) or  
3 Division 19 (commencing with Section 180000) of the Public  
4 Utilities Code.

5 (6) The Santa Clara Valley Transportation Authority established  
6 pursuant to Part 12 (commencing with Section 100000) of Division  
7 10 of the Public Utilities Code.

8 SEC. 2. Section 6972 of the Public Contract Code is amended  
9 to read:

10 6972. (a) A regional transportation agency may utilize the  
11 Construction Manager/General Contractor method of procurement  
12 to design and construct projects ~~if the projects are developed in~~  
13 ~~accordance with an expenditure plan approved by voters.~~ *pursuant*  
14 *to this section.*

15 (b) A regional transportation agency may enter into a  
16 Construction Manager/General Contractor contract pursuant to  
17 this chapter after evaluation of the traditional design-bid-build  
18 method of construction and of the Construction Manager/General  
19 Contractor method and the board of the regional transportation  
20 agency affirmatively adopts the procurement strategy in a public  
21 meeting.

22 (c) The entity responsible for the maintenance of the local streets  
23 and roads within the jurisdiction of the expressway shall be  
24 responsible for the maintenance of the expressway.