

AMENDED IN SENATE AUGUST 17, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**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 amended, Chiu. Construction Manager/General Contractor method: regional transportation ~~agencies: ramps:~~ *agency: County of Placer: bridges.*

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 use of the Construction Manager/General Contractor method for the construction of 2 specified bridges that are not on the state highway system. For the purposes only of this authorization, the bill would include the County of Placer within the definition of a regional transportation agency.* The bill would also remove the

requirement that ~~the~~ a project be developed in accordance with an expenditure plan approved by voters.

*This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Placer and the City and County of San Francisco.*

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. (a) *The Legislature finds and declares that the*  
2 *County of Placer should be considered a transportation planning*  
3 *agency for the purposes of this Chapter 6.7 (commencing with*  
4 *Section 6970) of Part 1 of Division 2 of the Public Contract Code*  
5 *in order to effectuate the construction of a replacement bridge*  
6 *span using Construction Manager/General Contractor authority.*  
7 *The Federal Highway Administration had authorized full funding*  
8 *for the replacement of the county-owned and maintained Yankee*  
9 *Jims Road Bridge Project in the County of Placer and has*  
10 *encouraged the use of Construction Manager/General Contractor*  
11 *methods to complete this project. The geography, topography, and*  
12 *location of the bridge present many potential complex challenges,*  
13 *and the Construction Manager/General Contractor could reduce*  
14 *delays and ensure that such challenges are fully understood at the*  
15 *outset of construction.*

16     (b) *Nothing in this act shall extend any other authority to the*  
17 *County of Placer as a transportation planning agency under any*  
18 *other law.*

19     ~~SECTION 1.~~

20     SEC. 2. Section 6971 of the Public Contract Code is amended  
21 to read:

22     6971. For purposes of this chapter, the following definitions  
23 apply:

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

28     (b) “Construction Manager/General Contractor method” means  
29 a project delivery method in which a construction manager is  
30 procured to provide preconstruction services during the design

1 phase of the project and construction services during the  
2 construction phase of the project. The contract for construction  
3 services may be entered into at the same time as the contract for  
4 preconstruction services, or at a later time. The execution of the  
5 design and the construction of the project may be in sequential  
6 phases or concurrent phases.

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

11 ~~(d) “Project” means the construction of an expressway or ramp  
12 that is not on the state highway system.~~

13 (d) “Project” means either of the following:

14 (1) The construction of an expressway that is not on the state  
15 highway system.

16 (2) The construction of the following bridges that are not on  
17 the state highway system:

18 (A) Yerba Buena Island (YBI) West Side Bridges Seismic Retrofit  
19 Project.

20 (B) Yankee Jims Road Bridge Project in the County of Placer  
21 (Replacement/Rehabilitation).

22 (e) “Regional transportation agency” means any of the  
23 following:

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

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

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

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

36 (5) A local transportation authority created or designated  
37 pursuant to Division 12.5 (commencing with Section 131000) or  
38 Division 19 (commencing with Section 180000) of the Public  
39 Utilities Code.

1 (6) The Santa Clara Valley Transportation Authority established  
2 pursuant to Part 12 (commencing with Section 100000) of Division  
3 10 of the Public Utilities Code.

4 (7) *The County of Placer.*

5 ~~SEC. 2.~~

6 SEC. 3. Section 6972 of the Public Contract Code is amended  
7 to read:

8 6972. (a) A regional transportation agency may utilize the  
9 Construction Manager/General Contractor method of procurement  
10 to design and construct projects pursuant to this section.

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

18 (c) The entity responsible for the maintenance of the local streets  
19 and roads within the jurisdiction of the expressway shall be  
20 responsible for the maintenance of the expressway.

21 SEC. 4. *The Legislature finds and declares that a special law*  
22 *is necessary and that a general law cannot be made applicable*  
23 *within the meaning of Section 16 of Article IV of the California*  
24 *Constitution because of the unique circumstances regarding bridge*  
25 *transportation construction projects in the County of Placer and*  
26 *the City and County of San Francisco.*