

Senate Bill No. 1914

CHAPTER 356

An act to add and repeal Section 20175 of the Public Contract Code, relating to public works projects.

[Approved by Governor August 17, 1996. Filed with
Secretary of State August 19, 1996.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1914, Johannessen. Public works: local agencies.

Under the Local Agency Public Construction Act, specified counties may, until January 1, 2001, provide for an alternative procedure for bidding on the design and construction of building projects with a cost not exceeding \$50,000,000, subject to certain conditions.

This bill would extend this authorization to the Cities of West Sacramento and Davis.

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

SECTION 1. Section 20175 is added to the Public Contract Code, to read:

20175. (a) This section provides an alternative and optional procedure on bidding on building construction projects applicable only in the City of West Sacramento and the City of Davis, upon the approval of the city council of the respective city.

(b) (1) If the city council elects to proceed under this section, it shall, before entering into any contract requiring advertising for bids for a project, cause to be prepared estimates, and prepare documents, for the solicitation of bids on a design-and-build basis.

(2) For the purposes of this section, "design and build" means a method of procuring design and construction from a single source. The selection of the single source occurs before the development of complete plans and specifications.

(c) The request for submittals shall include all of the following:

(1) A clear and precise description of the services to be provided and work to be performed.

(2) A description of the format that submittals shall follow and the elements they shall contain, including the qualifications and relevant experience of the design professional and the contractor, and the criteria that shall be used in evaluating the submittal, including the bid price.

(3) The date on which the submittals are due, and the timetable that will be used in reviewing and evaluating the submittals.



(d) In addition to the information required in paragraph (2) of subdivision (c), bidders shall submit their proposals with the construction bid price and all cost information in a separate sealed envelope.

(e) All submittals received prior to the closing time stated in the request for submittal shall be reviewed to determine those that meet the format requirements and the standards specified in the request for submittal.

(f) The contract shall be awarded to the lowest responsible bidder meeting the standards of the request for submittal.

(g) For the purposes of this section, selections of design professionals shall meet the standards of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(h) The City of West Sacramento or the City of Davis, if it chooses to utilize this section, shall file, on or before September 1, 1998, and again on or before September 1, 2000, with the Committees on Local Government of the Senate and the Assembly, a report containing the following information:

(1) A description of each project procured through the design-and-build process authorized by this section including, but not limited to, all of the following:

(A) The type of facility.

(B) The gross square footage of the facility.

(C) The company or contractor who was awarded the project.

(D) The estimated and actual length of time to complete the project.

(E) The estimated and actual project cost.

(F) A description of the relative merits of projects authorized pursuant to this section and similar projects procured pursuant to existing requirements of this code.

(G) A description of any written protest concerning any aspect of the solicitation, bid, proposal, or award of projects pursuant to this section, including the resolution of the project.

(2) Other pertinent information that the city believes is instructive in evaluating whether the method of procurement should be continued or expanded, or both.

(i) This section shall be applicable only to any project for which the costs specified in any contract awarded pursuant to this section do not exceed fifty million dollars (\$50,000,000).

(j) Contracts awarded pursuant to this section shall be valid until the project is completed, within the period specified in the contract entered into by the city prior to January 1, 2001.

(k) This section shall be applicable only to a project that is under the supervision of a licensed general building contractor within the meaning of Section 7057 of the Business and Professions Code.



(l) Nothing in this section shall limit any existing authority, whether explicit or implied, for cities to utilize design-build in contracting for public improvements.

(m) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2001, deletes or extends that date.

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