

Assembly Bill No. 464

Passed the Assembly July 17, 1997

Chief Clerk of the Assembly

Passed the Senate July 11, 1997

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1997, at ____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 20395 of the Public Contract Code, relating to county transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 464, Richter. County transportation: director of transportation: authority.

Existing law requires the board of supervisors of each county to appoint a road commissioner for all road districts in the county. Any county that has done so may authorize the road commissioner to have any work upon county highways done under his or her supervision and direction. Existing law also authorizes the board of supervisors of any county to abolish the office of road commissioner, if the board transfers all duties of the road commissioner to the county director of transportation. Under existing law, the director of transportation shall not be required to have any special permit, registration, or license.

This bill would extend the existing provisions relating to authorization of work on county highways to counties that have abolished the office of road commissioner in compliance with existing law, where the work is under the supervision or direction of a registered civil engineer under the direction of the county director of transportation.

The bill would make technical, nonsubstantive changes to existing law.

This bill would additionally incorporate amendments to Section 20395 of the Public Contract Code proposed by both this bill and AB 683, which would only become operative if (1) both bills are enacted and become effective on January 1, 1998, (2) each bill amends Section 20395 of the Public Contract Code, and (3) this bill is enacted after AB 683.



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

SECTION 1. Section 20395 of the Public Contract Code is amended to read:

20395. In any county that has appointed a road commissioner pursuant to Section 2006 of the Streets and Highways Code, or in any county that has abolished the office of road commissioner and complied with Section 2006.1 of the Streets and Highways Code, the board may authorize the road commissioner, or a registered civil engineer under the direction of the county director of transportation, to have any work upon county highways done under his or her supervision and direction. The work may be done in any of the following ways:

(a) By letting a contract covering both work and material. In that event, the contract shall be let to the lowest responsible bidder as provided in this article.

(b) By purchasing the material and letting a contract for the performance of the work. In that event, the material shall be bought at the lowest possible cost and the contract let to the lowest responsible bidder as provided in this article.

(c) By purchasing the material and having the work done by day labor, in which case advertising for bids is not required.

(d) (1) By authorizing the county road commissioner or a registered civil engineer under the direction of the county director of transportation to execute changes for any contract pursuant to this section in an amount not to exceed five thousand dollars (\$5,000) for contracts of fifty thousand dollars (\$50,000) or less, or 10 percent for contracts over fifty thousand dollars (\$50,000) but not to exceed two hundred fifty thousand dollars (\$250,000). In no event shall any change exceed a net total addition of twenty-five thousand dollars (\$25,000).

(2) For contracts whose original cost exceeds two hundred fifty thousand dollars (\$250,000), the extra cost for any change or addition to the work so ordered shall not exceed twenty-five thousand dollars (\$25,000), plus 1 percent of the amount of the original contract costs in



excess of two hundred fifty thousand dollars (\$250,000). In no event shall any change or alteration exceed one hundred thousand dollars (\$100,000).

(e) By purchasing the material and letting a contract for the work or by letting a contract covering both work and material without advertising for bids when the estimated cost of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency exceeds twenty-five thousand dollars (\$25,000) and the public interest and necessity demand immediate action to safeguard life, health, or property.

SEC. 2. Section 20395 of the Public Contract Code is amended to read:

20395. In any county that has appointed a road commissioner pursuant to Section 2006 of the Streets and Highways Code, or in any county that has abolished the office of road commissioner and complied with Section 2006.1 of the Streets and Highways Code, the board may authorize the road commissioner, or a registered civil engineer under the direction of the county director of transportation, to have any work upon county highways done under his or her supervision and direction. The work may be done in any of the following ways:

(a) By letting a contract covering both work and material. In that event, the contract shall be let to the lowest responsible bidder as provided in this article.

(b) By purchasing the material and letting a contract for the performance of the work. In that event, the material shall be bought at the lowest possible cost and the contract let to the lowest responsible bidder as provided in this article.

(c) By purchasing the material and having the work done by day labor, in which case advertising for bids is not required.

(d) (1) By authorizing the county road commissioner or a registered civil engineer under the direction of the county director of transportation to execute changes for any contract pursuant to this section in an amount not to exceed five thousand dollars (\$5,000) for contracts of fifty



thousand dollars (\$50,000) or less, or 10 percent for contracts over fifty thousand dollars (\$50,000) but not to exceed two hundred fifty thousand dollars (\$250,000). In no event shall any change exceed a net total addition of twenty-five thousand dollars (\$25,000).

(2) For contracts whose original cost exceeds two hundred fifty thousand dollars (\$250,000), the extra cost for any change or addition to the work so ordered shall not exceed twenty-five thousand dollars (\$25,000), plus 5 percent of the amount of the original contract costs in excess of two hundred fifty thousand dollars (\$250,000). In no event shall any change or alteration exceed one hundred fifty thousand dollars (\$150,000).

(e) By purchasing the material and letting a contract for the work or by letting a contract covering both work and material without advertising for bids when the estimated cost of emergency work necessitated by the imminence or occurrence of a landslide, flood, storm damage, or other emergency exceeds twenty-five thousand dollars (\$25,000) and the public interest and necessity demand immediate action to safeguard life, health, or property.

SEC. 3. Section 2 of this bill incorporates amendments to Section 20395 of the Public Contract Code proposed by both this bill and AB 683. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 1998, (2) each bill amends Section 20395 of the Public Contract Code, and (3) this bill is enacted after AB 683, in which case Section 1 of this bill shall not become operative.



Approved _____, 1997

Governor

