

AMENDED IN ASSEMBLY MAY 15, 1997

AMENDED IN SENATE APRIL 1, 1997

**SENATE BILL**

**No. 372**

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**Introduced by Senator Peace**

February 13, 1997

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An act to ~~amend~~ *repeal and add* Section 37 of the San Diego Unified Port District Act (Chapter 67 of the Statutes of 1962, First Extraordinary Session), relating to the San Diego Unified Port District.

LEGISLATIVE COUNSEL'S DIGEST

SB 372, as amended, Peace. San Diego Unified Port District.

~~Under~~

*(1) Under the existing San Diego Unified Port District Act, the ~~officers of the~~ San Diego Unified Port District ~~include an executive director, formerly known as a port director~~ is authorized to do work and make improvements without letting contracts, as specified.*

*This bill would, instead, require public projects, as defined, to be carried out in accordance with the provisions of the Public Contract Code governing port districts. In addition, the bill would require the district to adopt policies and procedures and regulations governing purchases of supplies and equipment of the district that are consistent with any applicable statute. To the extent this requirement would impose new duties on the district, the bill would impose a state-mandated local program.*

(2) *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.*

~~This bill would conform statutory law relating to the district's authority to enter into contracts to the name change in that existing law and would make other technical changes in the act.~~

~~Existing law contains provisions governing the letting of contracts by the district. Those provisions do not apply to any contracts for architectural, engineering, legal, or auditing services. Those provisions also limit contracts for consulting services that are not limited to a specific project to one year in length.~~

~~This bill would limit all professional services other than the excluded services specified to 3 years in length.~~

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

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

1 SECTION 1.—Section 37 of the San Diego Unified Port  
 2 SECTION 1. Section 37 of the San Diego Unified Port  
 3 District Act (Chapter 67 of the Statutes of 1962, First  
 4 Extraordinary Session) is repealed.  
 5 Sec. 37. The district may itself, without letting  
 6 contracts therefor, do work and make improvements.  
 7 The work shall be done under the direction of its officers  
 8 or employees.  
 9 In the construction or reconstruction of public  
 10 buildings, streets, utilities, and other public works, and in  
 11 furnishing supplies, materials, equipment, or contractual  
 12 services for the same, when the expenditure therefor  
 13 shall exceed the sum of five thousand dollars (\$5,000), the  
 14 same shall be done by written contract, except as  
 15 otherwise provided in this act, and the board, on the  
 16 recommendation of the port director, shall let the same  
 17 to the lowest responsible and reliable bidder, not less than



1 ~~10 days after advertising for one day in the official~~  
2 ~~newspaper of the district for sealed proposals for the work~~  
3 ~~contemplated. All maintenance or repair projects where~~  
4 ~~the cost of materials and labor exceeds three thousand~~  
5 ~~five hundred dollars (\$3,500) shall be let to the lowest~~  
6 ~~responsible and reliable bidder. If the cost of the public~~  
7 ~~contract work exceeds the sum of one thousand dollars~~  
8 ~~(\$1,000), but is not in excess of five thousand dollars~~  
9 ~~(\$5,000), the board may let the contract without~~  
10 ~~advertising for bids, but not until the port director shall~~  
11 ~~have secured competitive prices from contractors~~  
12 ~~interested, which shall be taken under consideration by~~  
13 ~~the board before the contract is let. The board may,~~  
14 ~~however, upon the recommendation of the port director~~  
15 ~~and by a vote of five of its members, order the~~  
16 ~~performance of any such construction and reconstruction~~  
17 ~~or repair work by appropriate district forces when the~~  
18 ~~estimates submitted as part of the port director's~~  
19 ~~recommendation indicate that the work can be done by~~  
20 ~~the district forces more economically than if let by~~  
21 ~~contract.~~

22 ~~In case of a great public calamity, such as extraordinary~~  
23 ~~fire, flood, storm, epidemic or other disaster the board~~  
24 ~~may, by resolution passed by a vote of five of its members,~~  
25 ~~determine and declare that the public interest or~~  
26 ~~necessity demands the immediate expenditure of district~~  
27 ~~money to safeguard life, health or property, and~~  
28 ~~thereupon they may proceed, without advertising for~~  
29 ~~bids or receiving the same, to expend, or enter into a~~  
30 ~~contract involving the expenditure of, any sum required~~  
31 ~~in such emergency, on hand in the district fund and~~  
32 ~~available for such purpose. All contracts before execution~~  
33 ~~shall be approved as to form and legality by the attorney~~  
34 ~~for the district.~~

35 ~~Contracts for consulting services shall be let only after~~  
36 ~~submission of proposals and evaluation of the expertise,~~  
37 ~~experience, and proposed price of the vendor. Contracts~~  
38 ~~for consulting services not limited to a specific project~~  
39 ~~shall not exceed one year in length.~~



1 ~~The provisions of this section do not apply to any~~  
2 ~~contract for architectural, engineering, legal, or auditing~~  
3 ~~services.~~

4 *SEC. 2. Section 37 is added to the San Diego Unified*  
5 *Port District Act (Chapter 67 of the Statutes of 1962, First*  
6 *Extraordinary Session), to read:*

7 *Sec. 37. (a) Article 48 (commencing with Section*  
8 *20750) of Part 3 of Division 2 of the Public Contract Code*  
9 *applies to public projects of the district.*

10 *(b) The district shall adopt policies and procedures*  
11 *and regulations governing bidding and purchases of*  
12 *supplies and equipment by the district that are consistent*  
13 *with any applicable statute, including Article 48*  
14 *(commencing with Section 20750) of Part 3 of Division 2*  
15 *of the Public Contract Code. The bidding process and*  
16 *purchases of supplies and equipment by the district shall*  
17 *be in accordance with those adopted policies, procedures,*  
18 *and regulations.*

19 *(c) As used in this section, “public project” means any*  
20 *of the following:*

21 *(1) A project for the erection, improvement, painting,*  
22 *or repair of public buildings and works.*

23 *(2) Work in or about streams, bays, waterfronts,*  
24 *embankments, or other work for protection against*  
25 *overflow.*

26 *(3) Street or sewer work except maintenance or*  
27 *repair.*

28 *(4) Furnishing supplies or materials for any project*  
29 *specified in paragraphs (1) to (3), inclusive, including*  
30 *maintenance or repair of streets or sewers.*

31 *SEC. 3. No reimbursement is required by this act*  
32 *pursuant to Section 6 of Article XIII B of the California*  
33 *Constitution because the only costs that may be incurred*  
34 *by a local agency or school district are the result of a*  
35 *program for which legislative authority was requested by*  
36 *that local agency or school district, within the meaning of*  
37 *Section 17556 of the Government Code and Section 6 of*  
38 *Article XIII B of the California Constitution.*

39 *Notwithstanding Section 17580 of the Government*  
40 *Code, unless otherwise specified, the provisions of this act*



1 *shall become operative on the same date that the act*  
2 *takes effect pursuant to the California Constitution.*

3 ~~District Act (Chapter 67 of the Statutes of 1962, First~~  
4 ~~Extraordinary Session) is amended to read:~~

5 ~~Sec. 37. (a) The district may itself, without letting~~  
6 ~~contracts therefor, do work and make improvements.~~  
7 ~~The work shall be done under the direction of its officers~~  
8 ~~or employees.~~

9 ~~In the construction or reconstruction of public~~  
10 ~~buildings, streets, utilities, and other public works, and in~~  
11 ~~furnishing supplies, materials, equipment, or contractual~~  
12 ~~services for those purposes, when the expenditure~~  
13 ~~therefor exceeds the sum of five thousand dollars~~  
14 ~~(\$5,000), the construction, reconstruction, or furnishing~~  
15 ~~shall be done by written contract, except as otherwise~~  
16 ~~provided in this act, and the board, on the~~  
17 ~~recommendation of the executive director, shall let the~~  
18 ~~contract to the lowest responsible and reliable bidder, not~~  
19 ~~less than 10 days after advertising for one day in the~~  
20 ~~official newspaper of the district for sealed proposals for~~  
21 ~~the work contemplated. All maintenance or repair~~  
22 ~~projects where the cost of materials and labor exceeds~~  
23 ~~three thousand five hundred dollars (\$3,500) shall be let~~  
24 ~~to the lowest responsible and reliable bidder. If the cost~~  
25 ~~of the public contract work exceeds the sum of one~~  
26 ~~thousand dollars (\$1,000), but is not in excess of five~~  
27 ~~thousand dollars (\$5,000), the board may let the contract~~  
28 ~~without advertising for bids, but not until the executive~~  
29 ~~director has secured competitive prices from interested~~  
30 ~~contractors, which shall be taken under consideration by~~  
31 ~~the board before the contract is let. The board may,~~  
32 ~~however, upon the recommendation of the executive~~  
33 ~~director and by a vote of five of its members, order the~~  
34 ~~performance of any construction and reconstruction or~~  
35 ~~repair work by appropriate district forces when the~~  
36 ~~estimates submitted as part of the executive director's~~  
37 ~~recommendation indicate that the work can be done by~~  
38 ~~the district forces more economically than if let by~~  
39 ~~contract.~~



1 ~~In case of a great public calamity, such as extraordinary~~  
2 ~~fire, flood, storm, epidemic, or other disaster the board~~  
3 ~~may, by resolution passed by a vote of five of its members,~~  
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7 ~~thereupon they may proceed, without advertising for~~  
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9 ~~involving the expenditure of, any sum required in the~~  
10 ~~emergency, on hand in the district fund and available for~~  
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12 ~~approved as to form and legality by the attorney for the~~  
13 ~~district.~~

14 ~~Contracts for consulting services shall be let only after~~  
15 ~~submission of proposals and evaluation of the expertise,~~  
16 ~~experience, and proposed price of the vendor. Contracts~~  
17 ~~for consulting services not limited to a specific project~~  
18 ~~shall not exceed one year in length. Except as provided~~  
19 ~~in subdivision (b), contracts for all other professional~~  
20 ~~services shall not exceed three years in length.~~

21 ~~(b) This section does not apply to any contract for~~  
22 ~~architectural, engineering, legal, or auditing services.~~

