

Senate Bill No. 1849

CHAPTER 307

An act to amend Sections 10708 and 10710 of the Public Contract Code, relating to the California State University.

[Approved by Governor August 17, 1998. Filed with
Secretary of State August 17, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1849, Alpert. California State University: capital outlay.

Existing law, the California State University Contract Law, authorizes the Trustees of the California State University to enter into an agreement with a contractor for both the design and construction of a project pursuant to that law.

This bill would, instead, permit the trustee to enter into an agreement to provide all or significant portions of the design services and construction of a project, and would require the contractor to design the project pursuant to the scope of services set forth in the request for proposals.

Existing law authorizes the trustees to award annual contracts that do not exceed \$1,000,000 for repair or other repetitive work to be done according to unit prices, as defined to exclude design and contract drawings.

This bill would delete this definition, and would also permit annual contracts for renovation or modification to be performed according to unit prices. The bill would authorize the trustees to award annual contracts that do not exceed \$3,000,000.

Existing law requires the contracts to be awarded to the lowest responsible bidder based on plans and specifications for typical work.

This bill would, instead, require that the contracts be awarded to the lowest responsible bidder based primarily on plans and specifications for typical work.

Existing law precludes annual contracts for new construction under this authority.

This bill would delete the prohibition against annual contracts for new construction under this authority, and would, instead, preclude annual contracts for capital outlay projects, pursuant to this authority where the cost of the project exceeds \$250,000 or the limit on minor capital outlay projects as determined in the annual Budget Act.

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

SECTION 1. Section 10708 of the Public Contract Code is amended to read:

10708. When, in the opinion of the trustees, the best interests of the California State University dictate, the trustees may enter into an agreement with a contractor to provide all or significant portions of the design services and construction of a project under this chapter. The contractor shall design the project pursuant to the scope of services set forth in the request for proposals, build the project, and present the completed project to the trustees for their approval and acceptance. Work under this section shall be carried out by a contractor chosen by a competitive bidding process that employs selection criteria in addition to cost. Any design work performed pursuant to this section shall be prepared and signed by an architect certificated pursuant to Chapter 3 (commencing with Section 5500) of Division 3 of the Business and Professions Code.

SEC. 2. Section 10710 of the Public Contract Code is amended to read:

10710. (a) Notwithstanding any other provisions of this chapter, the trustees may award annual contracts that do not exceed three million dollars (\$3,000,000) for repair or other repetitive work, or renovation or modification, to be done according to unit prices. The contracts shall be awarded to the lowest responsible bidder and shall be based primarily on plans and specifications for typical work. No project shall be performed under a contract of this type except by order of the trustees. No annual contracts may be awarded under these provisions for capital outlay projects, where the total cost of the project exceeds two hundred fifty thousand dollars (\$250,000) or the limit on minor capital outlay projects as determined in the annual Budget Act, whichever is greater.

(b) For purposes of this section, “unit price” means the amount paid for a single unit of an item of work, and “typical work” means a work description applicable universally or applicable to a large number of individual projects, as distinguished from work specifically described with respect to an individual project.

