

Assembly Bill No. 755

CHAPTER 258

An act to amend Section 20133 of the Public Contract Code, relating to public works contracts.

[Approved by Governor August 30, 1999. Filed with Secretary of State August 30, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 755, Corbett. Public works contracts: County of Alameda.

The Local Agency Public Construction Act establishes procedures for bidding and awarding of contracts by counties. Certain counties, including the County of Alameda, may follow alternative procedures for projects that do not exceed \$50,000,000.

This bill would provide that, notwithstanding the \$50,000,000 limitation, the County of Alameda is authorized to award a contract in excess of \$50,000,000 for the design and construction of the Alameda County Juvenile Justice Complex.

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

SECTION 1. Section 20133 of the Public Contract Code is amended to read:

20133. (a) This section provides an alternative and optional procedure on bidding on building construction projects applicable only in the Counties of Alameda, Sacramento, Santa Clara, Solano, and Tulare, upon the approval of the appropriate board of supervisors.

(b) (1) If a board of supervisors 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 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) Each county utilizing the procedures set forth in 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 each county 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) Notwithstanding subdivision (i), the County of Alameda may award a contract in excess of fifty million dollars (\$50,000,000) for the design and construction of the Alameda County Juvenile Justice Complex.



(k) 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 county prior to January 1, 2001.

(l) 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.

(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.

