

AMENDED IN ASSEMBLY MARCH 27, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 405

Introduced by Assembly Member Caballero

February 23, 2009

An act to amend Section 32132.5 of the Health and Safety Code, relating to health care districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 405, as amended, Caballero. Public contracts: health care districts: design-build.

Existing law provides for local health care districts which govern certain health care facilities. Each health care district has specific duties and powers respecting the creation, administration, and maintenance of the districts, including to purchase, receive, take, hold, lease, use, and enjoy property of every kind and description of property within the district. Existing law establishes *design-build* bidding procedures for the award of construction contracts *that, if adopted by local agencies a county, require the submission of information under penalty of perjury.*

Existing law permits the Sonoma Valley Health Care District, upon the approval of its board of directors, to use a design-build procedure when assigning contracts for the construction of a building and improvements directly related to a hospital or health facility building at the Sonoma Valley Hospital.

This bill would allow a health care district, upon approval of its board of directors, to use the design-build procedure to assign contracts for the construction of a building or improvements directly related to the construction of a hospital or health facility building.

By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

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.

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. The Legislature finds and declares all of the
2 following:

3 (a) Utilizing a design-build contract requires a clear
4 understanding of the roles and responsibilities of each participant
5 in the process.

6 (b) Cost benefits for health care districts are achieved by shifting
7 liability and risk for cost containment and project completion to
8 the design-build entity.

9 (c) It is the intent of the Legislature that the design-build process
10 be used by health care districts solely for buildings associated with
11 hospitals and health care and not for other infrastructure, including,
12 but not limited to, street, highways, public rail transit, roads,
13 bridges, other water resources facilities, and related infrastructure.

14 SEC. 2. Section 32132.5 of the Health and Safety Code is
15 amended to read:

16 32132.5. (a) Notwithstanding Section 32132 or any other
17 provision of law, upon approval by its board of directors, a health
18 care district may use the design-build procedure described in
19 Section 20133 of the Public Contract Code to assign contracts for
20 the construction of a building or improvements directly related to
21 construction of a hospital or health facility building.

22 (b) For purposes of this section, all references in Section 20133
23 of the Public Contract Code to “county” and “board of supervisors”
24 shall mean the health care district and its board of directors.

25 (c) A hospital building project utilizing the design-build process
26 authorized by subdivision (a) shall be reviewed and inspected in
27 accordance with the standards and requirements of the Alfred E.

1 Alquist Hospital Facilities Seismic Safety Act of 1983 (Chapter 1
2 (commencing with Section 129675) of Part 7 of Division 107).
3 *SEC. 3. No reimbursement is required by this act pursuant to*
4 *Section 6 of Article XIII B of the California Constitution because*
5 *the only costs that may be incurred by a local agency or school*
6 *district will be incurred because this act creates a new crime or*
7 *infraction, eliminates a crime or infraction, or changes the penalty*
8 *for a crime or infraction, within the meaning of Section 17556 of*
9 *the Government Code, or changes the definition of a crime within*
10 *the meaning of Section 6 of Article XIII B of the California*
11 *Constitution.*