

AMENDED IN SENATE JUNE 16, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 732

Introduced by Assembly Member Jeffries

February 26, 2009

An act to amend Sections 217, 217.7, 217.8, and 217.9 of the Streets and Highways Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

AB 732, as amended, Jeffries. Transportation projects: design-sequencing contracts.

Existing law authorizes the Department of Transportation, until January 1, 2010, to conduct phase 2 of a pilot project through the utilization of design-sequencing contracts, as defined, for the design and construction of not more than 12 transportation projects, which are selected by the Director of Transportation taking into consideration specified geographical considerations.

This bill would extend the operative date of those provisions until ~~January~~ July 1, ~~2012~~ 2010, thereby extending the authority of the department to conduct phase 2 of the pilot project. *The bill would instead specify that the pilot project consist of not more than 9 transportation projects.*

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

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

- 1 SECTION 1. Section 217 of the Streets and Highways Code
- 2 is amended to read:

1 217. The following definitions apply for the purposes of this
2 article:

3 (a) “Design” is a plan completed to a level of 30 percent.

4 (b) “Design-sequencing” is a method of contracting that enables
5 the sequencing of design activities to permit each construction
6 phase to commence when design for that phase is complete, instead
7 of requiring design for the entire project to be completed before
8 commencing construction.

9 (c) A “design-sequencing contract” is a contract between the
10 department and a contractor that requires the department to prepare
11 a design and permits construction of a project to commence upon
12 completion of design for a construction phase.

13 ~~(d) This section shall remain in effect only until January 1, 2012,~~
14 ~~and as of that date is repealed, unless a later enacted statute, that~~
15 ~~is enacted before January 1, 2012, deletes or extends that date.~~

16 (d) *This section shall become inoperative on July 1, 2010, and,*
17 *as of January 1, 2011, is repealed, unless a later enacted statute,*
18 *that becomes operative on or before January 1, 2011, deletes or*
19 *extends the dates on which it becomes inoperative and is repealed.*

20 SEC. 2. Section 217.7 of the Streets and Highways Code is
21 amended to read:

22 217.7. (a) Notwithstanding Chapter 1 (commencing with
23 Section 10100) of Part 2 of Division 2 of the Public Contract Code,
24 except Section 10128 of that code, and Chapter 10 (commencing
25 with Section 4525) of Division 5 of Title 1 of the Government
26 Code, the department may conduct a phase two pilot program to
27 let design-sequencing contracts for the design and construction of
28 not more than ~~12~~ *nine* transportation projects, to be selected based
29 on criteria established by the director. For the purpose of this
30 article, these projects shall be deemed public works.

31 (b) In selecting projects for the pilot program authorized under
32 subdivision (a), the director shall attempt to balance geographical
33 areas among test projects as well as pursue diversity in the types
34 of projects undertaken. In this process, the director shall consider
35 selecting projects that improve interregional and intercounty routes.

36 (c) To the extent available, the department shall seek to
37 incorporate existing knowledge and experience on
38 design-sequencing contracts in carrying out its responsibilities
39 under subdivision (a).

1 ~~(d) This section shall remain in effect only until January 1, 2012,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2012, deletes or extends that date.~~

4 *(d) This section shall become inoperative on July 1, 2010, and,*
5 *as of January 1, 2011, is repealed, unless a later enacted statute,*
6 *that becomes operative on or before January 1, 2011, deletes or*
7 *extends the dates on which it becomes inoperative and is repealed.*

8 SEC. 3. Section 217.8 of the Streets and Highways Code is
9 amended to read:

10 217.8. (a) Not later than July 1, 2006, and July 1 of each
11 subsequent year during which a contract under the phase two pilot
12 program, as described in Section 217.7, is in effect, the department
13 shall prepare a status report on its contracting methods, procedures,
14 costs, and delivery schedules. Upon completion of all
15 design-sequencing contracts, but in no event later than ~~January~~
16 *July 1, 2010*, the department shall establish a peer review
17 committee or continue in existence the peer review committee
18 created pursuant to former Section 217.4, which was added by
19 Chapter 378 of the Statutes of 1999, and direct that committee to
20 prepare a report for submittal to the Legislature that describes and
21 evaluates the outcome of the contracts provided for in Section
22 217.7, stating the positive and negative aspects of using
23 design-sequencing as a contracting method.

24 ~~(b) This section shall remain in effect only until January 1, 2012,~~
25 ~~and as of that date is repealed, unless a later enacted statute, that~~
26 ~~is enacted before January 1, 2012, deletes or extends that date.~~

27 *(b) This section shall become inoperative on July 1, 2010, and,*
28 *as of January 1, 2011, is repealed, unless a later enacted statute,*
29 *that becomes operative on or before January 1, 2011, deletes or*
30 *extends the dates on which it becomes inoperative and is repealed.*

31 SEC. 4. Section 217.9 of the Streets and Highways Code is
32 amended to read:

33 217.9. Design-sequencing contracts under the phase two pilot
34 program, as described in Section 217.7, shall be awarded in
35 accordance with all of the following:

36 (a) The department shall advertise design-sequencing projects
37 by special public notice to contractors.

38 (b) Contractors shall be required to provide prequalification
39 information establishing appropriate licensure and successful past
40 experience with the proposed work.

1 ~~(c) This section shall remain in effect only until January 1, 2012,~~
2 ~~and as of that date is repealed, unless a later enacted statute, that~~
3 ~~is enacted before January 1, 2012, deletes or extends that date.~~

4 (c) *This section shall become inoperative on July 1, 2010, and,*
5 ~~as of January 1, 2011, is repealed, unless a later enacted statute,~~
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