

Senate Bill No. 1130

CHAPTER 196

An act to amend Sections 20209.12, 20209.13, and 20209.14 of the Public Contract Code, relating to public contracts.

[Approved by Governor July 27, 2004. Filed with Secretary of State July 27, 2004.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1130, Scott. Public contracts: transit design-build contracts.

Existing law authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. A transit operator that uses the design-build process is required to report to the Legislative Analyst before December 1, 2005, on each public works project procured through the design-build process and completed on or before November 1, 2005. Existing law repeals these provisions on January 1, 2005.

This bill would specify that these provisions apply only to transit projects, and that transit projects do not include state highway construction or local street and road projects. This bill would revise the reporting requirements by requiring a transit operator that uses the design-build process to report to the Legislative Analyst within 120 days of the design-build project being put into operation or by December 1, 2005, whichever occurs first.

This bill would extend the duration of these provisions until January 1, 2007.

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

SECTION 1. It is the intent of the Legislature that nothing in this act shall be construed to limit transit operators from engaging in qualified transit projects that would require minor modifications to local roads that are incidental to light rail or bus transit improvements.

SEC. 2. Section 20209.12 of the Public Contract Code is amended to read:

20209.12. Each transit operator that elects to proceed under this article and use the design-build method on a public works project shall prepare and deliver to the Legislative Analyst's office within 120 days of the design-build project being put into operation or by December 1, 2005, whichever occurs first, a report containing a description of each public works project financed with public funds, procured through the

design-build process, and completed on or before November 1, 2005. However, if a project has been commenced, but not completed on or before November 1, 2005, the transit operator shall complete a report no later than 120 days after completion of the project. The report shall include, but not be limited to, all of the following information:

- (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 findings established pursuant to Section 20133.
- (f) Any Labor Code violations discovered during the course of construction or following completion of the project, as well as any fines or penalties assessed.
- (g) The estimated and actual project cost.
- (h) A description of any written protests concerning any aspect of the solicitation, bid, proposal, or award of the design-build project, including the resolution of the protest.
- (i) An assessment of the prequalification process and criteria.
- (j) An assessment of the impact of retaining 5 percent retention on the project.
- (k) A description of the labor force compliance program and an assessment of the project impact, where required.
- (l) A description of the method used to award the contract. If best value was the method, the factors used to evaluate the bid shall be described, including the weighting of each factor and an assessment of the effectiveness of the methodology.
- (m) An assessment of the project impact of "skilled labor force availability."
- (n) An assessment of the design-build dollar limits on transit projects. This shall include projects where the transit operator wanted to use design-build and was precluded by the dollar limitation. It shall also include projects where the best value method of awarding contracts was not used, due to dollar limitations.
- (o) An assessment of the most appropriate uses for the design-build approach.
- (p) Any transit operator that elects not to use the authority granted may also submit a report to the entities named in accordance with the schedule in this section. This report may include an analysis of why the authority granted was not used by the operator.

SEC. 3. Section 20209.13 of the Public Contract Code is amended to read:

20209.13. (a) Unless expressly set forth in this article, nothing in this article is intended to affect, expand, alter, or limit any rights or remedies otherwise available at law.

(b) This article applies only to transit projects. "Transit projects" for the purposes of this article does not include state highway construction or local street and road projects.

SEC. 4. Section 20209.14 of the Public Contract Code is amended to read:

20209.14. This article shall remain in effect only until January 1, 2007, and as of that date is repealed.