



Government Relations & Public Affairs Committee

April 30, 2009

Consideration of AB 729 (Evans) — Design-Build for Transit

Issue: SACOG is tracking AB 729, which would remove the January 2011 sunset date for design-build authority for transit projects.

Recommendation: None, this item is for information only.

Discussion: Assemblymember Noreen Evans has introduced AB 729, which would extend the sunset date for design-build authority for transit projects from January 1, 2011 to January 1, 2015.

Existing law authorizes transit operators to use design-build contracts for transit facilities, allowing a single firm to be awarded a single contract for design and construction. For transit operators who do not already have a labor compliance program, existing law would require establishing a program only for design-build contracts.

According to Assembly Transportation Committee staff analysis, a review of reports from transit operators using the existing design-build authority by the Legislative Analyst's Office concluded that almost all reported that compared to the traditional design-bid-build process, design-build took less time to construction and resulted in fewer claims and less litigation.

AB 729 passed the Assembly Transportation Committee on April 21 and is awaiting a hearing in the Assembly Appropriations Committee. It is sponsored by the California Transit Association, which argues that it may help expedite time-sensitive projects, including those funded by the American Recovery and Reinvestment Act and Proposition 1B of 2006. Supporters include the San Diego Association of Governments and the Alameda-Contra Costa Transit District. It is opposed by the Associated Builders and Contractors of California.

Approved by:

Mike McKeever
Executive Director

MM:RS:JB:pm

Attachment

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AMENDED IN ASSEMBLY APRIL 22, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 729

Introduced by Assembly Member Evans

February 26, 2009

An act to ~~repeal~~ *amend* Section 20209.14 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 729, as amended, Evans. Public contracts: transit design-build contracts.

Existing law authorizes transit operators to enter into a design-build contract, as defined, according to specified procedures. *Existing law requires certain information submitted under these provisions to be submitted under penalty of perjury.* Existing law repeals these provisions on January 1, 2011.

This bill would ~~delete the January 1, 2011, repeal date of these provisions~~ *instead repeal these provisions on January 1, 2015. Because the bill would expand the crime of perjury, it 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. Section 20209.14 of the Public Contract Code is*
2 *amended to read:*

3 20209.14. This article shall remain in effect only until January
4 1, ~~2011~~ 2015, and as of that date is repealed.

5 *SEC. 2. No reimbursement is required by this act pursuant to*
6 *Section 6 of Article XIII B of the California Constitution because*
7 *the only costs that may be incurred by a local agency or school*
8 *district will be incurred because this act creates a new crime or*
9 *infraction, eliminates a crime or infraction, or changes the penalty*
10 *for a crime or infraction, within the meaning of Section 17556 of*
11 *the Government Code, or changes the definition of a crime within*
12 *the meaning of Section 6 of Article XIII B of the California*
13 *Constitution.*

14 ~~SECTION 1. Section 20209.14 of the Public Contract Code is~~
15 ~~repealed.~~