

AMENDED IN SENATE APRIL 29, 1998

AMENDED IN SENATE APRIL 20, 1998

SENATE BILL

No. 1849

Introduced by Senator Alpert
(Coauthors: Senators Hughes and McPherson)
(Coauthor: Assembly Member Leach)

February 19, 1998

An act to amend Sections 10708 and 10710 of the Public Contract Code, relating to the California State University.

LEGISLATIVE COUNSEL'S DIGEST

SB 1849, as amended, Alpert. California State University: capital outlay.

Existing law, the California State University Contract Law, authorizes the Trustees of the California State University to enter into an agreement with a contractor for both the design and construction of a project pursuant to that law.

This bill would, instead, permit the trustee to enter into an agreement to provide all or significant portions of the design services and construction of a project, and would require the contractor to design the project pursuant to the scope of services set forth in the request for proposals.

Existing law requires that any design work performed under these provisions be prepared and signed by a certificated architect.

This bill would, instead, require this work to be prepared and signed by a certificated architect or a registered engineer.

Existing law authorizes the trustees to award annual contracts that do not exceed \$1,000,000 for repair or other repetitive work to be done according to unit prices, as defined to exclude design and contract drawings.

This bill would delete this definition, and would also permit annual contracts for renovation or modification to be performed by unit prices. *The bill would authorize the trustees to award annual contracts that do not exceed \$3,000,000.*

Existing law requires the contracts to be awarded to the lowest responsible bidder based on plans and specifications for typical work.

This bill would, instead, require that the contracts be awarded to the lowest responsible bidder based primarily on plans and specifications for typical work.

Existing law precludes annual contracts for new construction under this authority.

This bill would delete the prohibition against annual contracts for new construction under this authority, and would, instead, preclude annual contracts for capital outlay projects, pursuant to this authority where the cost of the project exceeds \$250,000 *or the limit on minor capital outlay projects as determined in the annual Budget Act.*

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 10708 of the Public Contract
 2 Code is amended to read:
 3 10708. When, in the opinion of the trustees, the best
 4 interests of the California State University dictate, the
 5 trustees may enter into an agreement with a contractor
 6 to provide all or significant portions of the design services
 7 and construction of a project under this chapter. The
 8 contractor shall design the project pursuant to the scope
 9 of services set forth in the request for proposals, build the
 10 project, and present the completed project to the trustees
 11 for their approval and acceptance. Work under this
 12 section shall be carried out by a contractor chosen by a



1 competitive bidding process that employs selection
2 criteria in addition to cost. Any design work performed
3 pursuant to this section shall be prepared and signed by
4 an architect certificated pursuant to Chapter 3
5 (commencing with Section 5500) of Division 3 of the
6 Business and Professions Code or an engineer registered
7 pursuant to Chapter 7 (commencing with Section 6700)
8 of Division 3 of the Business and Professions Code.

9 SEC. 2. Section 10710 of the Public Contract Code is
10 amended to read:

11 10710. (a) Notwithstanding any other provisions of
12 this chapter, the trustees may award annual contracts
13 that do not exceed ~~one million dollars (\$1,000,000)~~ *three*
14 *million dollars (\$3,000,000)* for repair or other repetitive
15 work, or renovation or modification, to be done according
16 to unit prices. The contracts shall be awarded to the
17 lowest responsible bidder and shall be based primarily on
18 plans and specifications for typical work. No project shall
19 be performed under a contract of this type except by
20 order of the trustees. No annual contracts may be
21 awarded under these provisions for capital outlay
22 projects, where the total cost of the project exceeds two
23 hundred fifty thousand dollars (\$250,000) *or the limit on*
24 *minor capital outlay projects as determined in the annual*
25 *Budget Act, whichever is greater.*

26 (b) For purposes of this section, “unit price” means
27 the amount paid for a single unit of an item of work, and
28 “typical work” means a work description applicable
29 universally or applicable to a large number of individual
30 projects, as distinguished from work specifically
31 described with respect to an individual project.

