

**Senate Bill No. 2117**

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Passed the Senate August 28, 2000

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*Secretary of the Senate*

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Passed the Assembly August 23, 2000

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*Chief Clerk of the Assembly*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2000, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to add Sections 20176 and 20688.5 to the Public Contract Code, relating to redevelopment.

## LEGISLATIVE COUNSEL'S DIGEST

SB 2117, Johnson. Redevelopment: Tustin Marine Corps Air Station.

Existing law authorizes a redevelopment project for the Tustin Marine Corps Air Station and surrounding areas.

This bill would authorize the City of Tustin and the Tustin Community Redevelopment Agency to negotiate and award design-and-build contracts, notwithstanding certain competitive bidding requirements, for various improvements that support redevelopment at the Tustin Marine Corps Air Station if the contracts are entered into within 7 years after the execution of a deed or lease in furtherance of the conveyance by the United States Department of Defense to the city or the Tustin Community Redevelopment Agency of the property on which the improvements will be located. This bill would make legislative findings as to the necessity for a special statute.

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

SECTION 1. Section 20176 is added to the Public Contract Code, to read:

20176. (a) This section provides an alternative and optional procedure that applies only to the City of Tustin and the territory within the Tustin Marine Corps Air Station.

(b) If the city council elects to proceed under this section, it shall cause estimates to be prepared and prepare documents for the solicitation of bids on a design-and-build basis. As used in this section, "design-and-build" means a method of procuring design and construction from a single source. The selection of



the single source occurs before the development of complete plans and specifications.

(c) The request for submittals shall include all of the following:

(1) A clear and precise description of the services to be provided and the work to be performed.

(2) A description of the format that the submittals shall follow and the elements that they shall contain, including the qualifications and relevant experience of the design professional and the contractor, and the criteria that the city shall use to evaluate the submittal, including the bid price.

(3) The date on which the submittals are due, and the timetable that the city will use to review and evaluate the submittals.

(d) In addition to the information required by paragraph (2) of subdivision (c), the bidders shall submit their proposal with the construction bid price and all cost information in a separate sealed envelope.

(e) Prior to opening the separate sealed envelopes, the city shall review all proposals received to determine those that meet the format requirements and the standards specified in the request for submittal.

(f) The city shall award the contract to a responsible bidder that meets the standards of the request for submittal at a fair and reasonable cost.

(g) For the purposes of this section, the selection of design professionals shall meet the standards of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(h) This section applies only to the following:

(1) The construction of public roads, storm drains, sewers, water lines, flood control facilities, and public buildings.

(2) The installation of utilities.

(3) The renovation or preservation of public buildings.

(4) The demolition, construction, or installation of other public improvements that support the redevelopment of the Tustin Marine Corps Air Station.



(i) This section applies only to a project that is under the supervision of a licensed general building contractor within the meaning of Section 7057 of the Business and Professions Code.

(j) The authority provided by this section shall remain in effect only for seven years from the date of the execution of a deed or lease in furtherance of the conveyance by the United States Department of Defense to the City of Tustin or the Tustin Community Redevelopment Agency of the real property on which these public improvements will be located.

SEC. 2. Section 20688.5 is added to the Public Contract Code, to read:

20688.5. (a) This section provides an alternative and optional procedure that applies only to the Tustin Community Redevelopment Agency and the territory within a project area created pursuant to Article 7 (commencing with Section 33492.100) of Chapter 4.5 of Part 1 of Division 24 of the Health and Safety Code.

(b) If the agency elects to proceed under this section, it shall cause estimates to be prepared and prepare documents for the solicitation of bids on a design-and-build basis. As used in this section, “design-and-build” means a method of procuring design and construction from a single source. The selection of the single source occurs before the development of complete plans and specifications.

(c) The request for submittals shall include all of the following:

(1) A clear and precise description of the services to be provided and the work to be performed.

(2) A description of the format that the submittals shall follow and the elements that they shall contain, including the qualifications and relevant experience of the design professional and the contractor, and the criteria that the agency shall use to evaluate the submittal, including the bid price.

(3) The date on which the submittals are due, and the timetable that the agency will use to review and evaluate the submittals.



(d) In addition to the information required by paragraph (2) of subdivision (c), the bidders shall submit their proposal with the construction bid price and all cost information in a separate sealed envelope.

(e) Prior to opening the separated sealed envelopes, the agency shall review all proposals received to determine those that meet the format requirements and the standards specified in the request for submittal.

(f) The agency shall award the contract to a responsible bidder that meets the standards of the request for submittal at a fair and reasonable cost.

(g) For the purposes of this section, the selection of design professionals shall meet the standards of Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(h) This section applies only to the following:

(1) The construction of public roads, storm drains, sewers, water lines, flood control facilities, and public buildings.

(2) The installation of utilities.

(3) The renovation or preservation of public buildings.

(4) The demolition, construction, or installation of other public improvements that support the redevelopment of the Tustin Marine Corps Air Station within the project area.

(i) This section applies only to a project that is under the supervision of a licensed general building contractor within the meaning of Section 7057 of the Business and Professions Code.

(j) The authority provided by this section shall remain in effect only for seven years from the date of the execution of a deed or lease in furtherance of the conveyance by the United States Department of Defense to the City of Tustin or the Tustin Community Redevelopment Agency of the real property on which these public improvements will be located.

SEC. 3. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the



unique circumstances of the City of Tustin and the Tustin Community Redevelopment Agency. The facts constituting the special circumstances are:

The City of Tustin is required by the United States Department of Defense to use the proceeds from land sales, leases, or equivalent conveyances at Tustin Marine Corps Air Station on specified public improvements within seven years of a deed or a lease in furtherance of conveyance to the city or the Tustin Community Redevelopment Agency by the United States Department of Defense. These unique circumstances require the City of Tustin and the Tustin Community Redevelopment Agency to contract public improvements needed for the redevelopment of the Tustin Marine Corps Air Station at a rapid pace.



Approved \_\_\_\_\_, 2000

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*Governor*

