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**AB-2654 Design-build: Orange County.** (2017-2018)

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**Assembly Bill No. 2654**

**CHAPTER 239**

An act to add Sections 22162.6 and 22162.7 to the Public Contract Code, relating to public contracts.

[ Approved by Governor August 28, 2018. Filed with Secretary of State August 28, 2018. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2654, Quirk-Silva. Design-build: Orange County.

Existing law, until January 1, 2025, authorizes local agencies, as defined, to use the design-build procurement process for specified public works with prescribed cost thresholds. Existing law requires specified information submitted by a design-build entity in the design-build procurement process to be certified under penalty of perjury.

This bill would authorize the County of Orange to use the design-build process for specified types of public works infrastructure projects, limited to no more than one project per year in excess of \$5,000,000. The bill would also authorize the Orange County Flood Control District to use the design-build process for flood protection improvements and would limit those to no more than 12 projects in excess of \$5,000,000 prior to January 1, 2025. By expanding design-build authority to include additional projects, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Orange and the Orange County Flood Control District.

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: yes Local Program: yes

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Section 22162.6 is added to the Public Contract Code, to read:

**22162.6.** (a) Upon approval of the board of supervisors, the County of Orange may use the design-build contracting process described in this chapter to award a contract for the following projects:

- (1) Flood protection improvements.
- (2) Harbor and beach improvements.

(3) Bikeway improvements.

(b) In addition to the requirements set forth in Section 22164, for a project authorized under subdivision (a), the county shall be responsible for the performance of, and county employees in Orange County Public Works may perform, project development services, including performance specifications, preliminary engineering, procurement services and the preparation of project reports, and construction inspection services, excluding specialty bridge inspectors. The county shall also be the responsible agency for, and county employees in Orange County Public Works may perform, the preparation of documents that may include, but need not be limited to, the size, type, and desired design character of the project, performance specifications covering quality of materials, equipment, and workmanship, preliminary plans, and any other information deemed necessary to describe adequately the needs of the County of Orange.

(c) For a project authorized under subdivision (a), the county shall be limited to no more than one project per year in excess of five million dollars (\$5,000,000).

**SEC. 2.** Section 22162.7 is added to the Public Contract Code, to read:

**22162.7.** (a) Upon approval of the governing body, the Orange County Flood Control District, as defined in Chapter 36 of the Orange County Flood Control Act, Sections 1 to 23 of the Orange County Flood Control Act, Water Code Appendix, may use the design-build contracting process described in this chapter to award a contract for flood protection improvements.

(b) In addition to the requirements set forth in Section 22164, for a project authorized under subdivision (a), the Orange County Flood Control District shall be responsible for the performance of, and county employees in Orange County Public Works may perform, project development services, including performance specifications, preliminary engineering, procurement services and the preparation of project reports, and construction inspection services, excluding specialty bridge inspectors. The county shall also be the responsible agency for, and county employees in Orange County Public Works may perform, the preparation of documents that may include, but need not be limited to, the size, type, and desired design character of the project, performance specifications covering quality of materials, equipment, and workmanship, preliminary plans, and any other information deemed necessary to describe adequately the needs of the Orange County Flood Control District.

(c) For a project authorized under subdivision (a), the district shall be limited to no more than twelve projects in excess of five million dollars (\$5,000,000) prior to January 1, 2025.

**SEC. 3.** The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique conditions in Orange County that make it necessary to grant the County of Orange and the Orange County Flood Control District the authority to use the specific design-build procurement process described in this act.

**SEC. 4.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.