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Local Agencies and Design-Build Contracting:
A Briefing Paper for Legislators and Their Staffs

Each year, a handful of design-build bills move through the Legislature. You or your boss may be asked by a lobbyist to carry a bill that grants design-build authority to a local entity. You or your boss may be preparing to hear a design-build bill in a committee or on the Floor. If this is the first time you've heard of design-build, then you're in luck because this paper was written just for you.

Before you is a brief introduction to design-build contracting and the legislative history of relevant statutes. This paper focuses on local governments' design-build authorizations and only quickly mentions school districts and transit operators. The use of design-build by state agencies, including the State Department of General Services, is beyond this scope of this paper.

Contracting by local agencies

In the contracting world, "project delivery method" refers to the contracting agency's method of procuring design and construction services. Design-build is just one of several different project delivery methods.

The Local Agency Public Construction Act spells out the requirements and procedures that local officials must follow when awarding public works contracts (Public Contract Code §20100, et seq.). The Act has historically required public agencies to use the *design-bid-build* method. However, over the past 10 years, the Legislature has allowed specified state departments and local agencies to use the alternative *design-build* method.

What is *design-bid-build*?

The *design-bid-build* method is the most widely-used and well-established project delivery method. This approach splits construction projects into two distinct phases: design and construction. During the design phase, the local agency prepares detailed project plans and specifications using its own employees or by hiring outside architects and engineers. The design phase generally accounts for 5 to 10% of the project's total cost. Once project designs are complete, local officials invite bids from the construction community and award the contract to the lowest responsible bidder. The construction phase makes up the remaining 90 to 95% of the project's total cost.

Design-bid-build was a reaction to the favoritism, corruption, and waste associated with major infrastructure projects in the 19th century. Ever since contracting reforms formally separated the design and construction phases at the turn of the century, design-bid-build became the traditional procurement method for public agencies. However, some public officials are concerned about the efficiency of the design-bid-build method in terms of project cost, schedule, and productivity. For this reason, there is growing interest among local and state agencies to experiment with alternative project delivery methods.

What is *design-build*?

The *design-build* project delivery method is one of the most popular alternatives to design-bid-build. Under design-build, the owner contracts with a single entity to both design and construct a project. Before inviting bids, the owner prepares documents that describe the basic concept of the project, as opposed to a complete set of drawings and specifications of the final product. In the bidding phase, the owner typically evaluates bids on a best-value basis, incorporating technical factors, such as qualifications and design quality, in addition to price. The winning “design-build entity,” which can be a single firm, a consortium, or a joint venture, is responsible for completing the design and all construction at the contract’s fixed price.

Proponents say the design-build method can expedite project completion (and, therefore, reduce construction costs) when compared to the design-bid-build method. This advantage occurs in part because design-build allows construction to begin during the design phase. Also, because the designer and contractor are members of the same entity, the contracting agency does not get pulled into time-consuming and costly disputes and lawsuits that often occur between the two parties. Proponents also say that design-build promotes innovative design and construction approaches by giving contractors more flexibility over design, materials, and construction methods.

Design-build is not without its disadvantages. Because the owner does not fully define the project upon entering into a contract, the owner gives up control over design and construction quality. Furthermore, because the designer and builder are on the same team, they share a financial incentive to reduce quality to increase their profits. Critics also say design-build results in more expensive change orders and opens the door to favoritism in the selection process.

Which method is better?

Each project delivery method offers certain advantages and disadvantages and no single method is appropriate for all projects. Experts say the appropriate use of a particular method depends on many factors, including the project budget, schedule, risk allocation, the contracting agency's level of expertise, and the ability of the owner to define the scope of work clearly. On one hand, projects that are relatively simple, like office buildings, and require a quick turn around are ideal design-build candidates. On the other hand, projects with major unknowns in scope, complex environmental or permitting issues, or unresolved third party concerns are not suitable design-build candidates.

Legislative history

Beginning in the 1990s, the Legislature passed several bills authorizing specified local agencies to enter into design-build contracts to construct public works. The Counties of Alameda, Sacramento, Santa Clara, Solano, and Tulare and the Cities of West Sacramento and Davis were the first local governments permitted to experiment with the design-build method. For several years, the Legislature continued to take a piecemeal approach, adding counties and cities one at a time to the list of those eligible to use the design-build method.

Today, all **counties** can use the design-build method to construct buildings and related improvements and wastewater treatment facilities that cost more than \$2.5 million (Public Contract Code §20133; SB 416, Ashburn, 2007). Similarly, all **cities** can use the design-build method to construct buildings and related improvements worth more than \$1 million (Public Contract Code §20175.2; AB 642, Wolk, 2008). A pilot program also permits cities, counties, and special districts to use the design-build method to construct 20 local wastewater treatment facilities, local solid waste facilities, or local water recycling facilities (Public Contract Code §20193, et seq.; AB 642, Wolk 2008).

Cities and counties have used their design-build authority to construct a variety of buildings, including a juvenile justice center, a children's shelter, a library, county recorder's office buildings, police stations, and a pump station.

The California Constitution gives **charter cities** broad control over their "municipal affairs." The courts have ruled that a city's contracting procedures are a municipal rather than a statewide concern (*Piledrivers' Local Union v. City of Santa Monica* (1984) 151 Cal.App.3d 509; *Smith v. City of Riverside* (1973) 34 Cal.App.3d 529). Therefore, charter cities have the authority to establish their own public contracting rules.

Redevelopment officials can use the design-build method for 10 public improvement projects worth more than \$1 million (Public Contract Code §20688.6; SB 4xx, Cogdill, 2009). Redevelopment agencies must submit their projects to the State Public Works Board for approval. The Board maintains a list of approved and denied projects at www.spwb.ca.gov/redevelopment_agency/.

An attempt in 2006 to authorize all **special districts** to use the design-build method (SB 1431, Cox, 2006) died in the Senate Appropriations Committee. The Legislature continues to take an incremental approach towards granting design-build authority to special districts. Table 1 summarizes the legislation authorizing various special districts to use the design-build method.

Bills introduced in the 2009-10 legislative session reflect special districts' growing interest in the design-build method:

- The Metropolitan Water District of Southern California wants to use the design-build method to construct and install solar energy projects (AB 958, Eng, 2009; Status: Governor's Desk).

- Health care districts, which are under pressure to comply with the state’s seismic safety standards, want to use the design-build method (AB 405, Caballero, 2009; Status: Assembly Appropriations Committee, two-year bill).
- Transit operators want an extension of their design-build authority sunset date from January 1, 2011 to January 1, 2015 (AB 729, Evans, 2009; Status: Governor’s Desk).

Table 1. Special districts’ design-build authority.

| Special district | Authorization | Types of projects |
|-------------------------------------|------------------------|--|
| Orange County Sanitation District | SB 645, Correa, 2007 | Projects exceeding \$6 million |
| Santa Clara Valley Trans. Authority | AB 904, Alquist, 1999 | Transit stations, park-and-ride lots, maintenance facilities, and office buildings |
| Santa Clara Valley Water District | AB 674, Dutra, 2001 | Projects exceeding \$2.5 million |
| Sonoma Valley Health Care District | SB 1699, Wiggins, 2008 | Hospital or health facility buildings and improvements exceeding \$2.5 million |
| Transit operators | AB 958, Scott, 2000 | Capital maintenance or capacity-enhancing rail projects exceeding \$25 million and non-rail transit projects exceeding \$2.5 million |

For a summary of the bills and code sections authorizing local agencies to use the design-build method, see Appendix A.

Nuts and bolts

State law spells out the criteria and procedures that local officials must follow when using the design-build method. Here are the major provisions for counties, cities, redevelopment agencies, and some special districts:

Authorized projects. State law limits the types and cost of projects that are eligible for local agency design-build contracting. Cities and counties, for example, can use the design-build method for buildings and related improvements, but not for the construction of streets and highways, public rail transit, and water resources facilities. A handful of special districts can use the design-build method for more complex projects. See Appendix A for a summary of the types and cost requirements of projects eligible for design-build contracting.

Prevailing wage enforcement. Labor compliance programs (LCPs) enforce prevailing wage for public agencies that award public work contracts. As a condition of using the design-build method, local agencies must establish LCPs or contract with a third party to operate their LCPs. The State Department of Industrial Relations (DIR) is responsible for the approval and review of LCPs. This requirement doesn’t apply if the local agency or the design-build entity has a collective bargaining agreement that binds all of the contractors performing work on the project. In the contracting world, this form of an agreement is called a “project labor agreement.”

Recently, the Legislature shifted the enforcement of prevailing wage requirements to the DIR (SB 9xx, Padilla, 2009). Local agencies that use the design-build method will not establish LCPs, but instead, they will pay the DIR a fee. The DIR will use the fees to fund its prevailing wage enforcement activities. There is no exemption for local agencies or design-build entities that have entered into project labor agreements. These requirements take effect once the DIR sets up the new fee-supported system. For more information, visit the DIR's LCP webpage: www.dir.ca.gov/lcp.asp.

Method. Local officials must follow a four-step design-build method:

- Prepare documents describing the project and its specifications.
- Prepare a detailed request for proposals, inviting competitive bids.
- Establish a detailed procedure to pre-qualify design-build entities.
- Establish the procedures to select the design-build entity.

When pre-qualifying design-build entities, local officials must collect at least 11 types of information. The design-build entity must list its proposed mechanical subcontractors and licenses. The entity must also report past worker safety violations, contracting problems, contract defaults, license violations, payroll violations, and bankruptcies. The entity must verify this information under oath.

When awarding contracts, local officials must select the design-build entity by using either a competitive bidding process in which the award goes to the lowest responsible bidder, or a “best value competition” in which the local officials set the criteria. If local officials choose to evaluate bids based on best-value, they must include the following five factors among their criteria and assign a minimum 10% weight to each:

- Price;
- Technical design and construction expertise;
- Life cycle costs over 15 years or more;
- Skilled labor force availability; and
- Safety record.

Cities must weigh these five best value factors *equally*. Local agencies' design-build statutes define “skilled labor force availability” to mean the bidder has an agreement with a registered apprenticeship program, approved by the California Apprenticeship Council, which has graduated apprentices in each of the preceding five years.

The local agency must rank the top three responsive bidders and award the contract to the bidder whose proposal was ranked “most advantageous.” When local officials announce the award, they must also identify the second and third ranked bidders.

Performance. The winning design-build entity:

- Must be bonded and carry errors-and-omissions insurance that covers its design and architectural services.
- Must adhere to local performance criteria and design standards. Deviations require local officials' written consent.

- May use subcontractors who were not listed in its original bid. The entity must award subcontracts by following a process set by the county or city, including publishing notices and setting deadlines.

If the local agency's bid request required the design-build entity to carry a performance and payment bond, local officials can retain only 5% of the contract.

Evaluation. Because design-build contracting is a relatively new practice in the public sector, legislators want local agencies to report to the Legislative Analyst's Office (LAO) regarding their design-build experiences. The Legislative Analyst, in turn, must report on these design-build experiences to the Legislature by certain deadlines.

In 2005, the Legislative Analyst's Office published a review of state and local design-build practices, *Design-Build: An Alternative Construction System*. The Legislative Analyst compared the advantages and disadvantages of the design-build and design-bid-build methods. The report found that the design-build method can be a useful option for some public construction projects. The report also recommended:

- The Legislature should adopt an inclusive, uniform design-build statute that applies to all public entities.
- Design-build should be optional and not replace design-bid-build.
- Contracts for most project costs should be based on competitive bidding.
- State law should ensure access for the greatest number of contractors.
- There should be no cost limitations.
- Design-build contracting should be limited to buildings and related infrastructure.

This report is available on the Legislative Analyst Office's website:
www.lao.ca.gov/laoapp/PubDetails.aspx?id=1218.

The design-build statutes for local agencies also include sunset dates (Table 2). As these statutes expire, local agencies will likely ask the Legislature to extend their design-build authority. At that time, the Legislature may extend the authority, make the authority permanent, or allow the authority to expire by not taking any action.

Table 2. Design-build legislation sunset dates

| Sunset Date | Agency |
|-----------------|---|
| None | Santa Clara Valley Transportation Authority |
| January 1, 2011 | Counties Santa Clara Valley Water District Sonoma Valley Health Care District Transit operators |
| January 1, 2013 | Orange County Sanitation District |
| January 1, 2016 | Cities Redevelopment agencies |
| January 1, 2020 | Counties, cities, and special districts (solid waste, water treatment, and water recycling facilities ONLY) |

2000 Compromise

The counties' design-build language in current law is the product of a compromise struck in 2000 among local officials, labor groups, and contractors (AB 2296, Dutra, 2000). Local officials wanted the flexibility and potential cost savings offered by design-build contracts. Labor unions wanted to ensure that contractors protected workers' interests. Contractors wanted to be sure that they had fair access to contracts. Since 2000, Legislators have used the counties' design-build language as a template for new design-build authorizations, including cities, redevelopment agencies, and individual special districts' authorizations.

Concerns still exist

Not all parties are fond of the statutes born out of the 2000 compromise.

Non-union contractors believe the statutes give an unfair advantage to union contractors. As a condition of using the design-build method, a local agency must establish a labor compliance program (LCP). However, if the local agency or the design-build entity has entered into a project labor agreement with its contractors and subcontractors, the local agency is exempt from the LCP requirement. Non-union contractors oppose this exemption, arguing that local agencies are more likely to favor union contractors because PLAs are much cheaper to form than LCPs.

The statutes require local agencies to include "skilled labor force availability" as one of their best value factors. Non-union contractors oppose the statutes' definition of "skilled labor force availability," which requires contractors to obtain apprentices exclusively from apprenticeship programs that have graduated apprentices in the preceding five years. Because labor unions mostly control existing apprenticeship programs, non-union contractors believe this language puts them at a disadvantage.

Public agencies' employees typically oppose design-build authorizations because they worry about losing their jobs to private firms. Legislators face opposition from public agencies' employees when they try to authorize design-build contracting for non-building projects. For example, SB 233 (Cox, 2007) unsuccessfully attempted to expand the definition of "project" to include all public improvements, except for streets, roads, and bridges. In the end, the author could only expand the definition to include wastewater treatment facilities.

Credits

Helen Ho, a Committee Consultant to the Senate Local Government Committee, authored this briefing memo as part of her assignment as a 2008-09 Senate Fellow. Production assistance came from Elvia Diaz, the Committee Assistant.

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Sources

These materials were helpful in preparing this briefing memo:

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Federal Highway Administration (2006). *Design-build effectiveness study*. Washington DC: US Department of Transportation. <http://www.fhwa.dot.gov/reports/designbuild/designbuild0.htm>.

Legislative Analyst's Office (2005). *Design-build: an alternative construction system*. Sacramento: Legislative Analyst's Office. <http://www.lao.ca.gov/laoapp/PubDetails.aspx?id=1218>.

Yakowenko, Gerald (2004). Megaproject procurement: breaking from tradition. *Public Roads*, 68(1). <http://www.tfrc.gov/pubrds/04jul/index.htm>.

APPENDIX A:
An Inventory of Local Agencies' Design-Build Statutes

| Local agency | Code section | Related legislation | Sunset date | Types of projects |
|---|-------------------------------|--|--------------------|---|
| Cities | PCC §20175.2 | AB 642 (Wolk, 2008) SB 645 (Correa, 2007) SB 535 (Runner, 2006) AB 1329 (Wolk, 2005) | January 1, 2016 | Buildings and related improvements exceeding \$1 million |
| Cities, counties, and special districts | PCC §20193, et seq. | AB 642 (Wolk, 2008) | January 1, 2020 | Regional and local wastewater treatment facilities, solid waste facilities, and water recycling facilities exceeding \$2.5 million; limit 20 |
| Community college districts | EDC §81700, et seq. | SB 614 (Simitian, 2007) AB 1000 (Simitian, 2002) | January 1, 2014 | Community college facilities exceeding \$2.5 million |
| Counties | PCC §20133 | SB 416 (Ashburn, 2007) SB 233 (Cox, 2007) SB 287 (Cox, 2005) AB 1511 (Evans, 2005) AB 2296 (Dutra, 2000) | January 1, 2011 | Buildings and related improvements and county sanitation wastewater treatment facilities exceeding \$2.5 million |
| Orange County Sanitation District | PCC §20785 | SB 645 (Correa, 2007) | January 1, 2013 | Projects, including public wastewater facilities, exceeding \$6 million |
| Redevelopment agencies | PCC §20688.6 | SB 4xx (Cogdill, 2009) | January 1, 2016 | Public improvement projects exceeding \$1 million; limit 10 |
| Santa Clara Valley Transportation Authority | PCC §20301.5 | AB 2909 (Asm Trans, 2000) AB 904 (Alquist, 1999) | None | Transit center or station, transit park-and-ride lot, bus and light rail maintenance facility, office building, and the Fremont-South Bay Commuter Rail Project |
| Santa Clara Valley Water District | PCC §21162 | AB 674 (Dutra, 2001) | January 1, 2011 | Projects exceeding \$2.5 million |
| School districts | EDC §17250.10, et seq. | SB 614 (Simitian, 2007) AB 1402 (Simitian, 2001) | January 1, 2014 | School facilities exceeding \$2.5 million |
| Sonoma Valley Health Care District | H&SC §32132.5 | SB 1699 (Wiggins, 2008) | January 1, 2011 | Buildings and improvements directly related to a Sonoma Valley Health Care District hospital or health facility building exceeding \$2.5 million |
| Transit operators | PCC §20209.5, et seq. | AB 378 (Duvall, 2008) AB 372 (Nation, 2006) SB 1130 (Scott, 2004) AB 958 (Scott, 2000) | January 1, 2011 | Capital maintenance or capacity-enhancing rail projects exceeding \$25 million and non-rail transit projects exceeding \$2.5 million |

APPENDIX B:
An Inventory of Local Agency Design-Build Bills

2009

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------------------|--|
| AB 263 | Miller | Introduced (Asm Trans) | Authorizes the Riverside County Transportation Commission to use D/B for transportation improvements on SR 91 |
| AB 405 | Caballero | Asm Appr | Authorizes health care districts to use D/B |
| AB 729 | Evans | Governor's Desk | Extends the sunset date for transit operators' D/B authorization |
| AB 958 | Eng | Governor's Desk | Authorizes metropolitan water districts to use D/B for solar energy systems |
| AB 1062 | Garrick | Introduced (Asm B&P) | Revises the definition of "skilled labor force availability" in public entities' design-build statutes |
| AB 1063 | Garrick | Introduced (Asm B&P) | Revises the definition of "acceptable safety record" in public entities' design-build statutes |
| AB 1064 | Garrick | Introduced (Asm B&P) | Deletes a labor compliance program exemption in public entities' design-build statutes |
| SB 4xx | Cogdill | Signed | Authorizes various public agencies, including redevelopment agencies, to use D/B for specific projects |
| SB 9xx | Padilla | Signed | Amends the labor compliance program law and makes conforming changes to public agencies' design-build statutes |
| SB 43 | Alquist | Governor's Desk | Authorizes a JPA, that includes the City of Santa Clara and the City's redevelopment agency, to award a no-bid D/B contract for the construction of a football stadium |

2008

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------------|---|
| AB 387 | Duvall | Signed | Exempts transit operators from a \$2.5 million threshold requirement when using D/B to acquire and install security technology |
| AB 642 | Wolk | Signed | Authorizes all cities to use D/B; authorizes cities, counties, and special districts to use D/B for 20 wastewater, solid waste, or water recycling facilities |
| AB 704 | Eng | Failed in SLG | Authorizes metropolitan water districts to use D/B for solar energy systems |
| AB 2993 | Plescia | Introduced | Authorizes metropolitan water districts to use D/B for renewable energy projects |
| SB 1350 | Cedillo | Died in Senate Appr | Authorizes the Los Angeles County Metropolitan Transportation Commission to use D/B for a tunnel closing the gap between I-710 and I-210 in LA County |
| SB 1486 | Ducheny | Signed | As a part of enacting the Otay Mesa East Toll Facility Act, authorizes the San Diego Association of Governments (SANDAG) to use D/B for specified state highway projects and facilities |
| SB 1699 | Wiggins | Signed | Authorizes the Sonoma Valley Health Care District to use D/B |

2007

| Bill Number | Author | Status | Subject |
|-------------|----------|---------------------|--|
| AB 1036 | Keene | Introduced | Authorizes sanitation districts and levee districts to use D/B |
| AB 1240 | Benoit | Introduced | Extends transit operators' D/B authorization to the Riverside County Transportation Commission |
| AB 1373 | Emmerson | Introduced | Authorizes the San Bernardino Associated Governments (SANBAG) to use D/B for improvements to highways that provide access to emergency service health facilities in San Bernardino County |
| AB 1499 | Garrick | Introduced | Authorizes the Department of Transportation to use D/B for highway construction |
| SB 56 | Runner | Died in Asm Appr | Authorizes state and local transportation entities to use D/B for 10 transportation projects |
| SB 233 | Cox | Signed | Authorizes counties to use D/B for county wastewater treatment facilities |
| SB 416 | Ashburn | Signed | Authorizes all counties to use D/B |
| SB 442 | Ackerman | Failed in Sen Trans | Authorizes the Orange County Transit District to use D/B for a HOV lane |
| SB 614 | Simitian | Signed | Amends school districts and community college districts' design-build statutes: (1) reduces the minimum project cost threshold from \$10 million to \$2.5 million; (2) extends the sunset dates; and (3) authorizes all community college districts to use D/B |
| SB 645 | Correa | Signed | Extends cities' D/B authority to the City of Stanton; authorizes the Orange County Sanitation District to use D/B |
| SB 683 | Runner | Introduced | Authorizes the City of Santa Paula to use D/B for a wastewater treatment plant |

2006

| Bill Number | Author | Status | Subject |
|-------------|-----------|---------------------|---|
| AB 372 | Nation | Signed | Extends the sunset date for transportation operators' D/B authority from January 1, 2007 to January 1, 2011 and adds new cost requirements |
| AB 2580 | Walters | Died on Asm Floor | Authorizes the Orange County Sanitation District to use D/B |
| AB 2604 | Emmerson | Failed in Asm Trans | Authorizes the San Bernardino Associated Governments (SANBAG) to use D/B for improvements to the interchange of Tippecanoe Avenue and Interstate 10 in the City of San Bernardino |
| SB 92 | Dunn | Died on Asm Floor | Authorizes the Orange County Sanitation District to use D/B |
| SB 371 | Torlakson | Died on Asm Floor | Authorizes certain state and local transportation entities to use D/B for specified highway construction projects; later amended in the Senate Appropriations Committee to only contain intent language |
| SB 535 | Runner | Signed | Extends cities' D/B authorization to the City of Victorville |
| SB 1026 | Kuehl | Signed | Authorizes the LA County Metropolitan Transportation Authority to use D/B for an HOV lane |
| SB 1431 | Cox | Died in Senate Appr | Authorizes all cities, counties, and special districts to use D/B for public improvements |

2005

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------|--|
| AB 245 | Walters | Gut and amend | Authorizes Orange County to use D/B |
| AB 1329 | Wolk | Signed | Authorizes cities in the Counties of Solano and Yolo to use D/B |
| AB 1511 | Evans | Signed | Extends counties' D/B authorization to 6 more counties; lowers minimum project cost threshold; and extends sunset date from January 1, 2006 to January 1, 2010 |
| AB 1699 | Frommer | Gut and amend | Authorizes self-help transportation agencies to use D/B for eight state highway construction projects |
| SB 287 | Cox | Signed | Extends counties' D/B authority to 17 more counties |

2004

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------|--|
| AB 2438 | Leslie | Introduced | Extends counties' D/B authority to Placer County solely for the construction of a justice facility |
| AB 2746 | Strickland | Introduced | Extends counties' D/B authority to the Cities of Fillmore and Santa Paula |
| SB 1793 | McPherson | Died in Asm | Authorizes various local transportation authorities to use D/B for highway construction projects. Similar to AB 692 (2003), but applies to different transportation authorities. |
| SB 1130 | Scott | Signed | Clarifies that transit operators may not use D/B for state highway construction or local street and road projects |

2003

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------|--|
| AB 692 | Dutra | Vetoed | Authorizes various local transportation authorities to use D/B for highway construction projects |
| AB 1267 | Runner | Introduced | Extends counties' D/B authorization to San Bernardino County. |
| SB 908 | Denham | Introduced | Extends counties' D/B authority to the Monterey County Water Resources Agency for the construction of the Salinas River Diversion Facility |

2002

| Bill Number | Author | Status | Subject |
|--------------------|-------------------------|-------------------|--|
| AB 1000 | Simitian | Signed | Authorizes specified community college districts to use D/B |
| SB 356 | Johannessen | Failed in the SLG | Authorizes four cities to use D/B for projects that cost up to \$30 million |
| SB 1759 | Johannessen & Torlakson | Signed | Authorizes four cities to use D/B for projects exceeding \$5 million |
| SB 1904 | Vasconcellos | Died in Asm B&P | Authorizes certain school districts to select design-build entities based upon qualifications, experience, and expertise |

2001

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------------|---|
| AB 674 | Dutra | Signed | Extends counties' D/B authorization to Santa Clara Valley Water District |
| AB 1402 | Simitian | Signed | Authorizes school districts to use D/B |
| AB 1415 | Leach | Failed in Asm B&P | Authorizes the City of Brentwood to use D/B |
| AB 1436 | Correa | Failed on Sen Floor | Authorizes a local military base reuse authority to use D/B |
| SB 127 | Johnson | Introduced | Commissions the LAO to conduct a study and report to the Legislature on the appropriateness of expanding the number of local government entities that may use D/B |

2000

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------|--|
| AB 424 | Wildman | Vetoed | Authorizes school districts to use D/B |
| AB 958 | Scott | Signed | Authorizes transit operators to use D/B |
| AB 2296 | Dutra | Signed | Authorizes seven counties to use D/B |
| AB 2366 | Margett | Died in SLG | Establishes an inclusive, uniform D/B statute that authorizes all local agencies to use D/B for general building projects |
| AB 2909 | Asm Trans | Signed | Authorizes the Santa Clara Valley Transportation Authority to use D/B for the Fremont-South Bay Commuter Rail Project |
| SB 1144 | Johannessen | Signed | Extends the D/B authorization sunset date for the Cities of West Sacramento and Davis |
| SB 2117 | Johnson | Vetoed | Authorizes the City of Tustin and the Tustin Community Redevelopment Agency to use D/B for redevelopment projects at the Tustin Marine Corps Air Station |

1999

| Bill Number | Author | Status | Subject |
|--------------------|---------------|---------------|---|
| AB 470 | Wildman | Vetoed | Authorizes school districts to use D/B |
| AB 904 | Alquist | Signed | Authorizes the Santa Clara Valley Transportation Authority to use D/B for a transit center or station, transit park-and-ride lot, bus and light rail maintenance facility, or office building |
| AB 1394 | Margett | Introduced | Establishes an inclusive, uniform D/B statute that authorizes all public entities to use D/B for general building projects |

1998

| Bill Number | Author | Status | Subject |
|-------------|-----------|---------------------|--|
| AB 1136 | Wildman | Vetoed | Requires public entities authorized to use D/B to report to the Joint Legislative Audit Committee about their design-build experiences |
| AB 2044 | Goldsmith | Died in Senate Appr | Establishes a uniform D/B statute that authorizes all public entities to use D/B for public works projects |

1997

| Bill Number | Author | Status | Subject |
|-------------|--------|------------|--|
| AB 774 | Morrow | Introduced | Establishes a uniform D/B statute that authorizes all public entities to use D/B for public works projects |

1996

| Bill Number | Author | Status | Subject |
|-------------|-------------|---------------|---|
| SB 1914 | Johannessen | Signed | Extends counties' D/B authority (AB 1717, Cortese, 1995) to the Cities of West Sacramento and Davis |

1995

| Bill Number | Author | Status | Subject |
|-------------|---------|---------------|-------------------------------------|
| AB 1717 | Cortese | Signed | Authorizes five counties to use D/B |

Key: **ALG** = Assembly Local Government Committee
Appr = Appropriations Committee
Asm = Assembly
B&P = Business & Professions Committee
D/B = design-build project delivery method
Introduced = the bill was never heard in a policy committee
Sen = Senate
SLG = Senate Local Government Committee