



NOSSAMAN LLP | Memorandum

TO: The Honorable Senator Anna Caballero, Chair
Senate Governance & Finance Committee

FROM: Nossaman LLP on behalf of the Monterey County Board of Supervisors

DATE: June 7, 2023

RE: **AB 400 (Blanca Rubio) Local agency design-build projects: authorization. SUPPORT**

The County of Monterey is pleased to support measure Assembly Bill (AB) 400 by Assembly Member Blanca Rubio. This measure will permanently allow local governments to utilize existing state law which allows them to use the Design-Build (DB) procurement process for qualifying public works projects. This bill achieves this by eliminating the existing January 1, 2025, sunset date on the statutory DB authority.

Existing statute enacts more uniform provisions authorizing most local agencies, counties included, to use the DB procurement process for specified public works projects within Public Contract Codes Sections 22160-22169, which excludes roads but includes buildings, utility improvements associated with buildings, flood control, underground utility improvements, and bridges.

The DB method is an approach to delivering public works projects in which both the design and construction of a project are procured from a single entity. Under design-build, the owner contracts with a single entity to both design and construct a project at a fixed price. Simultaneously, contractors are provided with more flexibility over project design, materials and construction methods. This promotes project design and construction innovation, which can result in higher quality, as well as cost savings. The approach also reduces the county and local agencies risk and results in fewer litigation claims for all parties involved.

In the traditional Design-Bid-Build (DBB) method of construction procurement the design and contracting phases are sequential, with no direct collaboration process. Allowing alternative delivery methods for construction projects gives counties the ability to make the most cost-effective and advantageous decision for a particular project.

The DB method streamlines project delivery through a single contract between the owner and the design-build team. Thus, using the DB method for more complex projects facilitates the completion and delivery of public works construction projects efficiently and cost effectively. AB 400 would allow counties to continue using this authority indefinitely.

For these reasons, the County of Monterey pleased to support AB 400. Should you have any questions, please feel free to contact the County's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

Ashley Walker
Nossaman LLP

Memorandum
June 7, 2023
Page 2

CC: Honorable Blanca Rubio, California State Assembly
Members, Senate Governance & Finance Committee
Consultant, Senate Governance & Finance Committee
Ryan Eisberg, Senate Republican Consultant
Hon. Dawn Addis, 30th Assembly District
Hon. John Laird, 17th Senate District
Hon. Robert Rivas, 29th Assembly District
California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)