

County of Monterey



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September 11, 2023

The Honorable Gavin Newsom
Governor
State of California
1020 N Street, Suite 9000
Sacramento, Ca 95814

Re: AB 400 (Rubio) Local agency design-build projects: authorization

Dear Governor Newsom:

The County of Monterey is pleased to support AB 400 (Rubio) which will permanently allow local governments to utilize existing state law which allows use of the Design-Build (DB) procurement process for qualifying public works projects 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 § 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 DB contractors have 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.

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 strongly supports AB 400 and respectfully asks for your signature on this important legislation. Should you have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,

LUIS A. ALEJO
Chair, Monterey County Board of Supervisors

Cc: The Honorable Assemblymember Blanca Rubio, Author
Ronda Paschal, Deputy Legislative Secretary, Office of Governor Gavin Newsom
The Honorable Anna Caballero, 14th Senate District
The Honorable John Laird, 17th Senate District
The Honorable Robert Rivas, 29th Assembly District
The Honorable Dawn Addis, 30th Assembly District
Mark Neuburger, Legislative Advocate, California State Association of Counties (CSAC)
Rural County Representatives of California (RCRC)