



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH



CYNTHIA BRYANT  
DIRECTOR

## Memorandum

Date: December 31, 2008  
To: Cities, Counties and Special Districts  
From: Scott Morgan, Assistant Deputy Director, State Clearinghouse  
Re: Assembly Bill 642 (Chapter 314, 2008) Design-Build for Waste and Recycling Facilities, Application to OPR

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This memo is to inform Cities, Counties and Special Districts of the recent amendments to Article 5.5 of the California Public Contract Code. These amendments, effective January 1, 2009, authorize up to 20 design-build projects related to regional or local water or wastewater treatment facilities, regional or local solid waste facilities, and regional or local recycling facilities.

Assembly Bill 642 was signed into law on September 26, 2008, and requires qualified entities (cities, counties, or special districts that operate wastewater facilities, solid waste facilities, or water recycling facilities) who wish to have their design-build project authorized under this statute to apply to the Governor's Office of Planning and Research (OPR).

Only 20 design-build projects are authorized pursuant to this statute. Qualified entities must apply to OPR in writing. Applications will be denied if 20 applications have already been accepted by OPR and/or the applicant is not a qualifying entity.

Applicants also must have completed and complied with the environmental review process set forth in the California Environmental Quality Act (Public Resources Code §21000 et seq.) prior to making an application with OPR. The applicant must include a copy of a Notice of Determination with the application.

OPR will maintain a list of approved applications up to the maximum allowable limit (20). OPR will also maintain a list of applications denied pursuant to Public Contract Code §20193(2)(a). In the event that an approved applicant determines that it is no longer interested in using the design-build authority, previously denied applicants will have the opportunity to use this authority.

An approved applicant that is no longer interested in using the authority set forth in Article 5.5 of the Public Contract Code must notify OPR within 30 days of its determination. Upon notification, OPR can contact previous applicants denied pursuant

to paragraph (2) of subdivision (a) of Public Contract Code §20193, to inform them of the availability to proceed under that section.

The list of approved design-built projects is available at the OPR website at [www.opr.ca.gov](http://www.opr.ca.gov) and can be found under “design-build projects.” A sample “application” can also be found at on the OPR website.

The complete text of Assembly Bill 642 can be found at:  
[http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab\\_0601-0650/ab\\_642\\_bill\\_20080926\\_chaptered.pdf](http://www.leginfo.ca.gov/pub/07-08/bill/asm/ab_0601-0650/ab_642_bill_20080926_chaptered.pdf)