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Director of Legislative Affairs

May 11, 2009

The Honorable John A. Perez
California State Assembly
State Capitol
Sacramento, CA 95814

RE: **AB 1409 (John A. Perez)** - As Amended on 4/29/09 – **OPPOSE**

Dear Assemblyman Perez:

The San Bernardino County Board of Supervisors has reviewed AB 1409. Regretfully, the County of San Bernardino cannot support your bill because it would make significant negative changes to how counties provide maintenance on county highways.

Under existing law, counties have the discretion to utilize day labor (force accounts) when working on county highways without having to go through the bidding process. Counties put larger projects out to bid and use force accounts for smaller projects such as pot hole filling in roads, storm related repairs, crack sealing, and minor resurfacing. These are often maintenance needs that require immediate attention and it is impractical to go through the procurement process.

As amended, AB 1409 would require the Board of Supervisors to adopt a resolution stating that no bids were received or that all bids received exceed the cost of having the project done by day labor or force account, prior to utilizing day labor or force accounts. This requirement would result in significant delays and dramatically increase costs. If enacted, AB 1409 would require the hiring additional staff in the County’s Public Works Department to develop and monitor Requests for Proposals (RFP), Bid Openings etc. for the sheer volume of force account work a county of this size generates. Administering the provisions of this bill will severely increase the workload of the Board of Supervisor support staff, Clerk of the Board, Risk Management and Legal Counsel.

Counties are expected to provide services far beyond our resources. Under existing law, the use of force accounts allows our transportation agency to provide services with in a timely and cost effective manner. For these reasons, the San Bernardino County Board of Supervisors opposes AB 1409.

Sincerely,

GARY C. OVITT
Chairman, Board of Supervisors

The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.