

Memorandum

*Making Conservation
a California Way of Life.*

To: DEPUTY DISTRICT DIRECTORS, Construction
DEPUTY DIVISION CHIEF, Structure Construction
CONSTRUCTION MANAGERS
SENIOR CONSTRUCTION ENGINEERS
RESIDENT ENGINEERS

Date: July 29, 2021

File: Division of Construction
CPD 21-15



From: RAMON HOPKINS, Chief
Division of Construction

Subject: **AMENDED BUY CLEAN CALIFORNIA ACT**

This directive provides updated guidance to resident engineers on the amended Buy Clean California Act and environmental product declaration requirements.

On July 16, 2021, Governor Newsom signed Assembly Bill 137, which amends California Public Contract Code Sections 3500 through 3505, also known as the Buy Clean California Act. Key among the amendments is a 1-year delay for implementation of the maximum allowable global warming limits on eligible materials.

For ongoing contracts with all the following characteristics, issue a change order that deletes Section 6-1.06, "Buy Clean California Act," of the special provisions:

- Contract bid opening dates within the June 1, 2021, to December 31, 2021, period
- Total bid amount greater than \$1 million and at least 175 original working days
- Contains any of the materials or products identified in Section 6-1.06 that exceed the specified quantity threshold limits that would require an environmental product declaration

Ongoing contracts that have applicable informational environmental product declaration submittal requirements (bid openings prior to June 1, 2021) are unaffected by this change.

Caltrans will pursue addenda on currently advertised projects and other measures to remove Section 6-1.06 requirements through December 31, 2021. Section 3-606, "Buy Clean California Act," of the *Construction Manual* will be modified to address the delayed implementation date. Caltrans intends to develop a future standard special provision that will support the amended Buy Clean California Act including an authorized vendor list for carbon steel rebar and structural steel.

DEPUTY DISTRICT DIRECTORS, Construction et al.

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If you have questions or comments regarding this directive, contact Ken Darby, Division of Construction, at Ken.Darby@dot.ca.gov or (916) 764-6929.

Attachments:

1. Sample Form CEM-4903, "Change Order Memorandum"
2. Sample Form CEM-4900, "Change Order"