

AMENDED IN ASSEMBLY JUNE 1, 2009

AMENDED IN ASSEMBLY MAY 18, 2009

AMENDED IN ASSEMBLY MAY 6, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 815

Introduced by Assembly Member Ma

February 26, 2009

An act to amend Section 1104 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 815, as amended, Ma. Public contracts: bidding ~~procedures;~~ ~~legislative intent.~~ *procedures.*

Existing law contains various provisions relating to the bidding process for public works projects. Existing law prohibits a local public entity, charter city, or charter county from requiring a bidder to assume responsibility for the completeness and accuracy of architectural or engineering plans and specifications on public works projects, except on clearly designated design-build projects. *Existing law provides that this prohibition shall not be construed to prohibit a local public entity, charter city, or charter county from requiring a bidder to review all architectural or engineering plans and specifications prior to submission of a bid, as specified.*

~~This bill would declare the intent of the Legislature to consider enacting subsequent legislation to address the issues raised in a specified case being reviewed by the California Supreme Court, as needed, once those issues are ripe for consideration after the Supreme Court has rendered a decision interpreting the parties' rights and obligations under~~

~~existing law with regard to public contracts disputes provide that the prohibition shall not be construed to prohibit a local public entity, charter city, or charter county from requiring a bidder to review all relevant bid documents provided by the local public entity, charter city, or charter county prior to submission of a bid.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1104 of the Public Contract Code is
2 amended to read:

3 1104. No local public entity, charter city, or charter county
4 shall require a bidder to assume responsibility for the completeness
5 and accuracy of architectural or engineering plans and
6 specifications on public works projects, except on clearly
7 designated design build projects. Nothing in this section shall be
8 construed to prohibit a local public entity, charter city, or charter
9 county from requiring a bidder to review *all relevant bid documents*
10 *provided by the local public entity, charter city, or charter county,*
11 *including, but not limited to,* architectural or engineering plans
12 and specifications, prior to submission of a bid, and *to* report any
13 errors and omissions noted by the contractor to the architect or
14 owner. The review by the contractor shall be confined to the
15 contractor’s capacity as a contractor, and not as a licensed design
16 professional.

17 ~~SECTION 1. It is the intent of the Legislature to consider~~
18 ~~enacting subsequent legislation to address the issues raised in Los~~
19 ~~Angeles Unified School District v. Great American Ins. Co. (2008)~~
20 ~~163 Cal.App.4th 944, review granted, 193 P.3d 280; 84 Cal.Rptr.3d~~
21 ~~35 (2008), as needed, once those issues are ripe for consideration~~
22 ~~after the California Supreme Court has rendered a decision~~
23 ~~interpreting the parties’ rights and obligations under existing law.~~