

AMENDED IN SENATE JUNE 14, 2010

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~~ Caballero

February 26, 2009

~~An act to amend Section 1104 of the Public Contract Code, relating to public contracts. An act to amend Section 4 of Chapter 258 of the Statutes of 2003, relating to state property.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 815, as amended, ~~Ma~~ Caballero. ~~Public contracts: bidding procedures. State property.~~

Existing law authorizes the Director of General Services, with the approval of the Adjutant General, to convey specific property within the City of Salinas, for no less than 50% of fair market value, to the city for development of a police station, under certain conditions.

This bill would instead authorize the conveyance for a local government-owned facility under the same conditions.

~~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 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~~ yes.
State-mandated local program: no.

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

1 *SECTION 1. Section 4 of Chapter 258 of the Statutes of 2003*
2 *is amended to read:*

3 SEC. 4. Notwithstanding any other ~~provision of law, including,~~
4 but not limited to, Article 1 (commencing with Section 11000) of
5 Chapter 1 of Part 1 of Division 3 of Title 2 of, and Article 8
6 (commencing with Section 54220) of Chapter 5 of Part 1 of
7 Division 2 of Title 5 of the Government Code, the Director of
8 General Services, with the approval of the Adjutant General, may
9 convey for no less than 50 percent of fair market value, to the City
10 of Salinas for development of a ~~police station~~ *local*
11 *government-owned facility*, which shall be considered a public
12 benefit, real property located at 100 Howard Street, Salinas,
13 Monterey County on the terms and conditions and subject to the
14 reservations and exceptions that may be in the best interests of the
15 state. The Department of General Services shall be reimbursed for
16 its costs related to the transfer, including, but not limited to, any
17 survey costs, title transfer fees, and department staff time.

18 ~~SECTION 1. Section 1104 of the Public Contract Code is~~
19 ~~amended to read:~~

20 ~~1104. No local public entity, charter city, or charter county~~
21 ~~shall require a bidder to assume responsibility for the completeness~~
22 ~~and accuracy of architectural or engineering plans and~~
23 ~~specifications on public works projects, except on clearly~~
24 ~~designated design build projects. Nothing in this section shall be~~
25 ~~construed to prohibit a local public entity, charter city, or charter~~
26 ~~county from requiring a bidder to review all relevant bid documents~~

1 provided by the local public entity, charter city, or charter county;
2 including, but not limited to, architectural or engineering plans
3 and specifications, prior to submission of a bid, and to report any
4 errors and omissions noted by the contractor to the architect or
5 owner. The review by the contractor shall be confined to the
6 contractor's capacity as a contractor, and not as a licensed design
7 professional.

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