

AMENDED IN SENATE JUNE 23, 2011

AMENDED IN SENATE JUNE 13, 2011

AMENDED IN ASSEMBLY MAY 2, 2011

AMENDED IN ASSEMBLY MARCH 22, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 943

Introduced by Assembly Member Williams

February 18, 2011

An act to amend Sections 22013, 22014, ~~22032~~, and 22034 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 943, as amended, Williams. Public contracts: California Uniform Construction Cost Accounting Commission: local contracts: alternative procedures.

Under existing law, the California Uniform Construction Cost Accounting Commission is responsible for recommending, for adoption by the Controller, uniform construction cost accounting procedures for implementation by public agencies in the construction of public projects. Existing law requires the commission members to select a chairperson from among its membership to serve as chair for a term of one year from the date of selection.

This bill would extend the term of the chairperson to 2 years from the date of selection.

Under existing law, the members of the California Uniform Construction Cost Accounting Commission hold office for terms of 3 years. If there is a vacancy, the Controller is required, within 45 days

after the expiration of any term, to appoint a replacement to fill the vacancy on the commission.

This bill would instead require the Controller to appoint a replacement within 90 days after the expiration of any term.

Existing law governing public contracts establishes procedures that public agencies, as defined, are required to follow when performing public works projects. ~~If public agencies voluntarily elect to become subject to uniform construction cost accounting procedures, projects of \$125,000 or less may be let by contract by informal procedures, and those worth more than \$125,000 require formal bids, as specified. If all of the informal bids received are in excess of \$125,000, projects, and~~ *authorizes* the governing board of the public agency ~~may~~ to adopt a resolution, by a $\frac{4}{5}$ vote, to award the contract at \$137,500 or less to the lowest responsible bidder *when all informal bids on the public works project are in excess of \$125,000.*

This bill would increase the above limits from \$125,000 to \$175,000, and from \$137,500 to \$187,500, respectively.

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 22013 of the Public Contract Code is
2 amended to read:

3 22013. The commission members shall select a chairperson
4 from among its membership. The chairperson shall serve as chair
5 for a term of two years from the date of selection. In no event shall
6 two consecutive chairpersons be appointees representing either
7 the construction industry or public agencies.

8 SEC. 2. Section 22014 of the Public Contract Code is amended
9 to read:

10 22014. (a) The members of the commission shall hold office
11 for terms of three years, and until their successors are appointed,
12 except as otherwise provided for in this section.

13 (b) In the case of members initially appointed by the Controller,
14 two representing the construction industry and two representing
15 public agencies shall be appointed to serve until July 1, 1985; two
16 representing the construction industry and two representing public
17 agencies shall be appointed to serve until July 1, 1986; and three

1 representing the construction industry and three representing public
2 agencies shall be appointed to serve until July 1, 1987.

3 (c) Members may be reappointed for subsequent terms of three
4 years.

5 (d) The Controller shall, within 90 days after the expiration of
6 any term, appoint a replacement to fill the vacancy on the
7 commission.

8 ~~SEC. 3. Section 22032 of the Public Contract Code is amended~~
9 ~~to read:~~

10 ~~22032. (a) Public projects of thirty thousand dollars (\$30,000)~~
11 ~~or less may be performed by the employees of a public agency by~~
12 ~~force account, by negotiated contract, or by purchase order.~~

13 ~~(b) Public projects of one hundred seventy-five thousand dollars~~
14 ~~(\$175,000) or less may be let to contract by informal procedures~~
15 ~~as set forth in this article.~~

16 ~~(c) Public projects of more than one hundred seventy-five~~
17 ~~thousand dollars (\$175,000) shall, except as otherwise provided~~
18 ~~in this article, be let to contract by formal bidding procedure.~~

19 ~~SEC. 4.~~

20 ~~SEC. 3. Section 22034 of the Public Contract Code is amended~~
21 ~~to read:~~

22 ~~22034. Each public agency that elects to become subject to the~~
23 ~~uniform construction accounting procedures set forth in Article 2~~
24 ~~(commencing with Section 22010) shall enact an informal bidding~~
25 ~~ordinance to govern the selection of contractors to perform public~~
26 ~~projects pursuant to subdivision (b) of Section 22032. The~~
27 ~~ordinance shall include all of the following:~~

28 ~~(a) The public agency shall maintain a list of qualified~~
29 ~~contractors, identified according to categories of work. Minimum~~
30 ~~criteria for development and maintenance of the contractors list~~
31 ~~shall be determined by the commission.~~

32 ~~(b) All contractors on the list for the category of work being bid~~
33 ~~or all construction trade journals specified in Section 22036, or~~
34 ~~both all contractors on the list for the category of work being bid~~
35 ~~and all construction trade journals specified in Section 22036, shall~~
36 ~~be mailed a notice inviting informal bids unless the product or~~
37 ~~service is proprietary.~~

38 ~~(c) All mailing of notices to contractors and construction trade~~
39 ~~journals pursuant to subdivision (b) shall be completed not less~~
40 ~~than 10 calendar days before bids are due.~~

- 1 (d) The notice inviting informal bids shall describe the project
- 2 in general terms and how to obtain more detailed information about
- 3 the project, and state the time and place for the submission of bids.
- 4 (e) The governing body of the public agency may delegate the
- 5 authority to award informal contracts to the public works director,
- 6 general manager, purchasing agent, or other appropriate person.
- 7 (f) If all bids received are in excess of one hundred seventy-five
- 8 thousand dollars (\$175,000), the governing body of the public
- 9 agency may, by adoption of a resolution by a four-fifths vote,
- 10 award the contract, at one hundred eighty-seven thousand five
- 11 hundred dollars (\$187,500) or less, to the lowest responsible bidder,
- 12 if it determines the cost estimate of the public agency was
- 13 reasonable.