

ASSEMBLY BILL

No. 1342

Introduced by Assembly Member Dickinson

February 18, 2011

An act to amend Section 3004 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1342, as introduced, Dickinson. Public contracts: roof projects.

Existing law prohibits a state agency, political subdivision, municipal corporation, or district from drafting specifications for bids, in connection with the construction, alteration, or repair of public works, calling for a designated material, product, thing, or service by specific brand or trade name unless the specification is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service. Existing law provides that, for a project for the repair or replacement of a roof of a public school or community college, a material, product, thing, or service shall be considered equal if it meets certain requirements, and requires specifications for any roof project to be designed to promote competition.

This bill would also require specifications for such a roof project to contain certain information regarding manufacturers, and would prohibit specifications requiring proprietary products or a proprietary warranty, unless specified conditions are met.

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

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

1 SECTION 1. Section 3004 of the Public Contract Code is
2 amended to read:

3 3004. (a) Specifications for any roof project shall be designed
4 to promote competition. *These specifications shall do at least one*
5 *of the following:*

6 (1) *Name a minimum of three separate manufacturers that share*
7 *no financial, partnership, or subsidiary relationships, or interests,*
8 *or shared product lines.*

9 (2) *Require performance standards that at least three*
10 *manufacturers have indicated, in writing, in advance of the bidding*
11 *period, the ability to comply with.*

12 (b) *Specifications requiring proprietary products or a*
13 *proprietary warranty shall not be included in specifications for a*
14 *roof project if these items would cost more than 10 percent more*
15 *than for similar projects utilizing open competitive bidding without*
16 *a requirement for proprietary products or a proprietary warranty.*