

Introduced by Senator Rubio

February 17, 2011

An act to amend Section 20111.5 of, *and to add Section 20111.6 to*, the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 600, as amended, Rubio. Public contracts: school districts: bidding requirements.

Under existing law, the governing board of a school district may require each prospective bidder for specified contracts to submit a standardized questionnaire and financial statement, including information relating to financial ability and experience in performing public works, *which is required to be verified under oath*. Existing law further requires a school district requiring the above information to adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements, as specified ~~to rate bidders to determine the size of contract for which the bidder is qualified~~.

~~This bill would make a technical, nonsubstantive change to this provision~~ *require the questionnaire and uniform system of rating bidders described above to contain, at a minimum, substantially similar information, questions, and requirements as that of the standardized questionnaire and model guidelines for rating bidders developed by the Department of Industrial Relations, as specified. This bill would provide that the questionnaire and uniform system of rating bidders described above shall not preclude the governing board of the district from prequalifying or disqualifying a subcontractor.*

This bill would also require the governing board of the district, for certain public projects, if the governing board of the district chooses not to follow the uniform system of rating bidders described above, to use other procedures, which require a standardized questionnaire and financial statement to be verified under oath, for bidding applicable to public entities, as prescribed. By expanding the scope of an existing crime and by imposing new duties on local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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

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

- 1 SECTION 1. Section 20111.5 of the Public Contract Code is
- 2 amended to read:
- 3 20111.5. (a) The governing board of the district may require
- 4 that each prospective bidder for a contract, as described under
- 5 Section 20111, complete and submit to the district a standardized
- 6 questionnaire and financial statement in a form specified by the
- 7 district, including a complete statement of the prospective bidder's
- 8 financial ability and experience in performing public works. The
- 9 questionnaire and financial statement shall be verified under oath
- 10 by the bidder in the manner in which civil pleadings in civil actions
- 11 are verified. The questionnaires and financial statements shall not
- 12 be public records and shall not be open to public inspection.
- 13 (b) Any school district requiring prospective bidders to complete
- 14 and submit questionnaires and financial statements, as described
- 15 in subdivision (a), shall adopt and apply a uniform system of rating
- 16 bidders on the basis of the completed questionnaires and financial

1 statements, in order to determine the size of the contracts upon
2 which each bidder shall be deemed qualified to bid.

3 (c) *The questionnaire described in subdivision (a), and the*
4 *uniform system of rating bidders described in subdivision (b), shall*
5 *contain, at a minimum, substantially similar information, questions,*
6 *and requirements as that of the standardized questionnaire and*
7 *model guidelines for rating bidders developed by the Department*
8 *of Industrial Relations pursuant to subdivision (a) of Section 20101.*

9 (e)

10 (d) Each prospective bidder on any contract described under
11 Section 20111 shall be furnished by the school district letting the
12 contract with a standardized proposal form that, when completed
13 and executed, shall be submitted as his or her bid. Bids not
14 presented on the forms so furnished shall be disregarded.

15 (d)

16 (e) A proposal form required pursuant to subdivision ~~(e)~~ (d)
17 shall not be accepted from any person or other entity that is
18 required to submit a completed questionnaire and financial
19 statement for prequalification pursuant to subdivision (a), but has
20 not done so at least five days prior to the date fixed for the public
21 opening of sealed bids or has not been prequalified, pursuant to
22 subdivision (b), for at least one day prior to that date.

23 (e)

24 (f) Notwithstanding subdivision ~~(d)~~ (e), any school district may
25 establish a process for prequalifying prospective bidders pursuant
26 to this section on a quarterly basis and may authorize that
27 prequalification to be considered valid for up to one calendar year
28 following the date of initial prequalification.

29 (g) *Nothing in this section shall preclude the governing board*
30 *of the district from prequalifying or disqualifying a subcontractor.*
31 *The disqualification of a subcontractor by the governing board of*
32 *the district does not disqualify an otherwise prequalified*
33 *contractor.*

34 SEC. 2. *Section 20111.6 is added to the Public Contract Code,*
35 *to read:*

36 20111.6. (a) *This section shall apply only to public projects,*
37 *as defined in subdivision (c) of Section 22002, for which the*
38 *governing board of the district uses funds received pursuant to the*
39 *Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5*

1 (commencing with Section 17070.10) of Part 10 of Division 1 of
2 Title 1 of the Education Code) for a public project.

3 (b) If the governing board of the district does not utilize the
4 procedures set forth in Section 20111.5 for a contract meeting the
5 criteria of subdivision (a), then the governing board of the district
6 shall use the procedures for qualification of bidders set forth in
7 Section 20101.

8 (c) For purposes of this section, bidders shall include all
9 subcontractors required to be listed in a bid pursuant to Section
10 4104.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution for certain
13 costs that may be incurred by a local agency or school district
14 because, in that regard, this act creates a new crime or infraction,
15 eliminates a crime or infraction, or changes the penalty for a crime
16 or infraction, within the meaning of Section 17556 of the
17 Government Code, or changes the definition of a crime within the
18 meaning of Section 6 of Article XIII B of the California
19 Constitution.

20 However, if the Commission on State Mandates determines that
21 this act contains other costs mandated by the state, reimbursement
22 to local agencies and school districts for those costs shall be made
23 pursuant to Part 7 (commencing with Section 17500) of Division
24 4 of Title 2 of the Government Code.