

AMENDED IN ASSEMBLY AUGUST 31, 2015

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN ASSEMBLY JULY 16, 2015

AMENDED IN ASSEMBLY JULY 7, 2015

AMENDED IN SENATE MAY 12, 2015

AMENDED IN SENATE APRIL 28, 2015

AMENDED IN SENATE APRIL 15, 2015

**SENATE BILL**

**No. 762**

---

---

**Introduced by Senator Wolk**

February 27, 2015

---

---

An act to amend Sections 10187.5 and 22161 of, and to add and repeal Article 3.7 (commencing with Section 20155) of Chapter 1 of Part 3 of Division 2 of, the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 762, as amended, Wolk. Competitive bidding: best value: pilot program: design-build.

The Local Agency Public Construction Act requires counties, among others, to comply with specified procedures for contracting for public works projects, including the use of a competitive bidding process and awarding contracts to the lowest responsible bidder. Existing law provides that specified provisions of the act applicable to public works contracts awarded by counties, as specified, do not apply to certain contracts by the County of Napa and the County of San Diego.

This bill would establish a pilot program to allow ~~counties~~ *the Counties of Alameda, Los Angeles, Placer, Riverside, San Bernardino, San Diego, Solano, and Yuba* to select a bidder on the basis of best value, as defined, for construction projects in excess of \$1,000,000. The bill would establish procedures and criteria for the selection of a best value contractor. The bill would require that bidders verify specified information under oath, thereby imposing a state-mandated local program by creating a new crime. The bill would require the board of supervisors of a participating county, before January 1, 2020, to submit a report to specified legislative committees. The bill would repeal the pilot program provisions on January 1, 2020.

*The bill would make legislative findings and declarations as to the necessity of a special statute for the Counties of Alameda, Los Angeles, Placer, Riverside, San Bernardino, San Diego, Solano, and Yuba.*

Existing law, until January 1, 2025, authorizes the Department of General Services, the Department of Corrections and Rehabilitation, and certain local agencies to use the design-build procurement process for specified public works. Existing law defines “best value” for those purposes to mean a value determined by evaluation of objective criteria that may include, but are not limited to, price, features, functions, life-cycle costs, experience, and past performance.

This bill would modify that definition to have the objective criteria evaluated, instead, relate to those specific criteria.

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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 10187.5 of the Public Contract Code is
- 2 amended to read:
- 3 10187.5. For purposes of this article, the following definitions
- 4 and the definitions in subdivision (a) of Section 13332.19 of the
- 5 Government Code shall apply:
- 6 (a) “Best value” means a value determined by evaluation of
- 7 objective criteria that relate to price, features, functions, life-cycle

1 costs, experience, and past performance. A best value determination  
2 may involve the selection of the lowest cost proposal meeting the  
3 interests of the department and meeting the objectives of the  
4 project, selection of the best proposal for a stipulated sum  
5 established by the procuring agency, or a tradeoff between price  
6 and other specified factors.

7 (b) “Construction subcontract” means each subcontract awarded  
8 by the design-build entity to a subcontractor that will perform work  
9 or labor or render service to the design-build entity in or about the  
10 construction of the work or improvement, or a subcontractor  
11 licensed by the State of California that, under subcontract to the  
12 design-build entity, specially fabricates and installs a portion of  
13 the work or improvement according to detailed drawings contained  
14 in the plans and specifications produced by the design-build team.

15 (c) “Department” means the Department of General Services  
16 and the Department of Corrections and Rehabilitation.

17 (d) “Design-build” means a project delivery process in which  
18 both the design and construction of a project are procured from a  
19 single entity.

20 (e) “Design-build entity” means a corporation, limited liability  
21 company, partnership, joint venture, or other legal entity that is  
22 able to provide appropriately licensed contracting, architectural,  
23 and engineering services as needed pursuant to a design-build  
24 contract.

25 (f) “Design-build team” means the design-build entity itself and  
26 the individuals and other entities identified by the design-build  
27 entity as members of its team. Members shall include the general  
28 contractor and, if utilized in the design of the project, all electrical,  
29 mechanical, and plumbing contractors.

30 (g) “Director” means, with respect to procurements undertaken  
31 by the Department of General Services, the Director of General  
32 Services or, with respect to procurements undertaken by the  
33 Department of Corrections and Rehabilitation, the secretary of that  
34 department.

35 SEC. 2. Article 3.7 (commencing with Section 20155) is added  
36 to Chapter 1 of Part 3 of Division 2 of the Public Contract Code,  
37 to read:

1 Article 3.7. Best Value Construction Contracting for Counties  
2 Pilot Program  
3

4 20155. (a) This article provides for a pilot program for ~~counties~~  
5 *the Counties of Alameda, Los Angeles, Placer, Riverside, San*  
6 *Bernardino, San Diego, Solano, and Yuba* for construction projects  
7 in excess of one million dollars (\$1,000,000).

8 (b) The board of supervisors of ~~any~~ a county shall let any  
9 contract for a construction project pursuant to this article to the  
10 bidder representing the best value or else reject all bids.

11 (c) The bidder may be selected on the basis of the best value to  
12 a *the* county. In order to implement this method of selection, the  
13 board of supervisors shall adopt and publish procedures and  
14 required criteria that ensure that all selections are conducted in a  
15 fair and impartial manner. These procedures shall conform to  
16 Sections 20155.3 to 20155.6, inclusive, and shall be mandatory  
17 for ~~counties~~ a county that ~~choose~~ chooses to participate in the pilot  
18 program.

19 (d) If the board of supervisors of a county deems it to be in the  
20 best interest of the county, the board of supervisors, on the refusal  
21 or failure of the successful bidder for a project to execute a tendered  
22 contract, may award it to the bidder with the second lowest best  
23 value ~~score~~: *score, as determined in accordance with subdivision*  
24 *(c) of Section 20155.5.* If the second bidder fails or refuses to  
25 execute the contract, the board of supervisors may likewise award  
26 it to the bidder with the third lowest best value ~~score~~: *score, as*  
27 *determined in accordance with subdivision (c) of Section 20155.5.*

28 20155.1. As used in this article:

29 (a) “Best value” means a procurement process whereby the  
30 selected bidder may be selected on the basis of objective criteria  
31 for evaluating the qualifications of bidders with the resulting  
32 selection representing the best combination of price and  
33 qualifications.

34 (b) “Best value contract” means a competitively bid contract  
35 entered into pursuant to this article.

36 (c) “Best value contractor” means a properly licensed person,  
37 firm, or corporation that submits a bid for, or is awarded, a best  
38 value contract.

39 (d) “County” means any of the following counties:

40 (1) *The County of Alameda.*

- 1 (2) *The County of Los Angeles.*
- 2 (3) *The County of Placer.*
- 3 (4) *The County of Riverside.*
- 4 (5) *The County of San Bernardino.*
- 5 (6) *The County of San Diego.*
- 6 (7) *The County of Solano.*
- 7 (8) *The County of Yuba.*

8 ~~(d)~~

9 (e) “Demonstrated management competency” means the  
10 experience, competency, capability, and capacity of the proposed  
11 management staffing to complete projects of similar size, scope,  
12 or complexity.

13 ~~(e)~~

14 (f) “Financial condition” means the financial resources needed  
15 to perform the contract. The criteria used to evaluate a bidder’s  
16 financial condition shall include, at a minimum, capacity to obtain  
17 all required payment bonds, performance bonds, and liability  
18 insurance.

19 ~~(f)~~

20 (g) “Labor compliance” means the ability to comply with, and  
21 past performance with, contract and statutory requirements for the  
22 payment of wages and qualifications of the workforce. The criteria  
23 used to evaluate a bidder’s labor compliance shall include, as a  
24 minimum, the bidder’s ability to comply with the apprenticeship  
25 requirements of the California Apprenticeship Council and the  
26 Department of Industrial Relations, its past conformance with  
27 those requirements, and its past conformance with requirements  
28 to pay prevailing wages on public works projects.

29 ~~(g)~~

30 (h) “Qualifications” means the financial condition, relevant  
31 experience, demonstrated management competency, labor  
32 compliance, and safety record of the bidder, and, if required by  
33 the bidding documents, some or all of the preceding qualifications  
34 as they pertain to subcontractors proposed to be used by the bidder  
35 for designated portions of the work. A county shall evaluate  
36 financial condition, relevant experience, demonstrated management  
37 competency, labor compliance, and safety record, using, to the  
38 extent possible, quantifiable measurements.

39 ~~(h)~~

1 (i) “Relevant experience” means the experience, competency,  
2 capability, and capacity to complete projects of similar size, scope,  
3 or complexity.

4 (i)

5 (j) “Safety record” means the prior history concerning the safe  
6 performance of construction contracts. The criteria used to evaluate  
7 a bidder’s safety record shall include, at a minimum, its experience  
8 modification rate for the most recent three-year period, and its  
9 average total recordable injury or illness rate and average lost work  
10 rate for the most recent three-year period.

11 20155.2. As used in this article:

12 (a) “Apprenticeable occupation” means an occupation for which  
13 the Chief of the Division of Apprenticeship Standards had approved  
14 an apprenticeship program pursuant to Section 3075 of the Labor  
15 Code prior to January 1, 2014.

16 (b) “Skilled and trained workforce” means a workforce that  
17 meets all of the following conditions:

18 (1) All the workers are either skilled journeypersons or  
19 apprentices registered in an apprenticeship program approved by  
20 the Chief of the Division of Apprenticeship Standards.

21 (2) (A) As of January 1, 2016, at least 20 percent of the skilled  
22 journeypersons employed to perform work on the contract or  
23 project by the entity and each of its subcontractors at every tier  
24 are graduates of an apprenticeship program for the applicable  
25 occupation that was either approved by the Chief of the Division  
26 of Apprenticeship Standards pursuant to Section 3075 of the Labor  
27 Code or located outside California and approved for federal  
28 purposes pursuant to the apprenticeship regulations adopted by  
29 the United States Secretary of Labor.

30 (B) As of January 1, 2017, at least 30 percent of the skilled  
31 journeypersons employed to perform work on the contract or  
32 project by the entity and each of its subcontractors at every tier  
33 are graduates of an apprenticeship program for the applicable  
34 occupation that was either approved by the Chief of the Division  
35 of Apprenticeship Standards pursuant to Section 3075 of the Labor  
36 Code or located outside California and approved for federal  
37 purposes pursuant to the apprenticeship regulations adopted by  
38 the United States Secretary of Labor.

39 (C) As of January 1, 2018, at least 40 percent of the skilled  
40 journeypersons employed to perform work on the contract or

1 project by the entity and each of its subcontractors at every tier  
2 are graduates of an apprenticeship program for the applicable  
3 occupation that was either approved by the Chief of the Division  
4 of Apprenticeship Standards pursuant to Section 3075 of the Labor  
5 Code or located outside California and approved for federal  
6 purposes pursuant to the apprenticeship regulations adopted by  
7 the United States Secretary of Labor.

8 (D) As of January 1, 2019, at least 50 percent of the skilled  
9 journeypersons employed to perform work on the contract or  
10 project by the entity and each of its subcontractors at every tier  
11 are graduates of an apprenticeship program for the applicable  
12 occupation that was either approved by the Chief of the Division  
13 of Apprenticeship Standards pursuant to Section 3075 of the Labor  
14 Code or located outside California and approved for federal  
15 purposes pursuant to the apprenticeship regulations adopted by  
16 the United States Secretary of Labor.

17 (E) As of January 1, 2020, at least 60 percent of the skilled  
18 journeypersons employed to perform work on the contract or  
19 project by the entity and each of its subcontractors at every tier  
20 are graduates of an apprenticeship program for the applicable  
21 occupation that was either approved by the Chief of the Division  
22 of Apprenticeship Standards pursuant to Section 3075 of the Labor  
23 Code or located outside California and approved for federal  
24 purposes pursuant to the apprenticeship regulations adopted by  
25 the United States Secretary of Labor.

26 (F) For an apprenticeable occupation in which no apprenticeship  
27 program had been approved by the Chief of the Division of  
28 Apprenticeship Standards prior to January 1, 1995, up to one-half  
29 of the graduation percentage requirements of subparagraphs (A)  
30 ~~through~~ to (E), inclusive, may be satisfied by skilled  
31 journeypersons who commenced working in the apprenticeable  
32 occupation prior to the chief's approval of an apprenticeship  
33 program for that occupation in the county in which the project is  
34 located.

35 (c) "Skilled journeyperson" means a worker who either:

36 (1) Graduated from an apprenticeship program for the applicable  
37 occupation that was approved by the Chief of the Division of  
38 Apprenticeship Standards or located outside California and  
39 approved for federal purposes pursuant to the apprenticeship  
40 regulations adopted by the United States Secretary of Labor.

1 (2) Has at least as many hours of on-the-job experience in the  
 2 applicable occupation as would be required to graduate from an  
 3 apprenticeship program for the applicable occupation that is  
 4 approved by the Chief of the Division of Apprenticeship Standards.  
 5 20155.3. A county shall proceed in accordance with the  
 6 following when awarding best value contracts under this article:  
 7 (a) ~~A~~The county shall not select a bidder on the basis of the  
 8 best value to a county unless, after evaluating at a public meeting  
 9 the alternative of awarding the contract on the basis of the lowest  
 10 bid price, the county makes a written finding that awarding the  
 11 contract on the basis of best value, for the specific project under  
 12 consideration, will accomplish one or more of the following  
 13 objectives: reducing project costs, expediting the completion of  
 14 the project, or providing features not achievable through awarding  
 15 the contract on the basis of the lowest bid price.  
 16 (b) ~~A~~The county shall prepare a solicitation for bids and give  
 17 notice pursuant to Section 20125. A county may identify specific  
 18 types of subcontractors that are required to be included in the bids.  
 19 A county shall comply with Chapter 4 (commencing with Section  
 20 4100) of Part 1 with regard to construction subcontractors identified  
 21 in the bid.  
 22 (c) ~~A~~The county shall establish a procedure to prequalify  
 23 bidders pursuant to Section 20101. The information required  
 24 pursuant to this section shall be verified under oath by the bidder  
 25 in the manner in which civil pleadings in civil actions are verified.  
 26 Information submitted by the bidder as part of the evaluation  
 27 process shall not be open to public inspection to the extent that  
 28 information is exempt from disclosure under the California Public  
 29 Records Act (Chapter 3.5 (commencing with Section 6250) of  
 30 Division 7 of Title 1 of the Government Code).  
 31 (d) Each solicitation for bids shall do all of the following:  
 32 (1) Invite prequalified bidders to submit sealed bids in the  
 33 manner prescribed by this article.  
 34 (2) Include a section identifying and describing the following:  
 35 (A) Criteria that ~~a~~ the county will consider in evaluating bids.  
 36 (B) The methodology and rating or weighting system that will  
 37 be used by ~~a~~ the county in evaluating bids.  
 38 (C) The relative importance or weight assigned to the criteria  
 39 identified in the request for bids.

1 (e) Final evaluation of the best value contractor shall be done  
2 in a manner that prevents cost or price information from being  
3 revealed to the committee evaluating the qualifications of the  
4 bidders prior to completion and announcement of that committee's  
5 decision.

6 20155.4. (a) A best value ~~entity~~ *contractor* shall not be  
7 prequalified or shortlisted unless the ~~entity~~ *contractor* provides an  
8 enforceable commitment to the ~~local agency~~ *county* that the ~~entity~~  
9 *contractor* and its subcontractors at every tier will use a skilled  
10 and trained workforce to perform all work on the project or contract  
11 that falls within an apprenticeship occupation in the building and  
12 construction trades.

13 (b) ~~An entity's~~ *A contractor's* commitment that a skilled and  
14 trained workforce will be used to perform the project or contract  
15 may be established by any of the following:

16 (1) ~~The entity's~~ *The contractor's* agreement with the county  
17 that the ~~entity~~ *contractor* and its subcontractors at every tier will  
18 comply with the requirements of this section and that the ~~entity~~  
19 *contractor* will provide the county with evidence, on a monthly  
20 basis while the project or contract is being performed, that the  
21 ~~entity~~ *contractor* and its subcontractors are complying with the  
22 requirements of this section.

23 (2) If the county has entered into a project labor agreement that  
24 will bind all contractors and subcontractors performing work on  
25 the project or contract, and that includes the requirements of this  
26 section, the ~~entity's~~ *contractor's* agreement that it will become a  
27 party to that project labor agreement.

28 (3) Evidence that the ~~entity~~ *contractor* has entered into a project  
29 labor agreement that includes the requirements of this section and  
30 that will bind the ~~entity~~ *contractor* and all its subcontractors at  
31 every tier performing the project or contract.

32 20155.5. Selection of the best value contractor shall be made  
33 as follows:

34 (a) (1) An evaluation committee appointed by the county shall  
35 evaluate the qualifications of the bidders based solely upon the  
36 criteria set forth in the solicitation documents, and shall assign a  
37 qualifications score to each bid.

38 (2) A county shall establish written policies and procedures,  
39 consistent with applicable law, to ensure that members of an  
40 evaluation committee are free from conflicts of interest, if the

1 county has not already established applicable written policies and  
2 procedures.

3 (b) A county shall not award a contract for a construction project  
4 pursuant to this article if a solicitation for bids for that construction  
5 project results in the submission of fewer than three responsive  
6 bids to the county for evaluation.

7 (c) ~~The~~ *Except as provided in subdivision (d) of Section 20155,*  
8 *the* award of the contract shall be made to the bidder whose bid is  
9 determined by a county, in writing, to be the best value to ~~a~~ *the*  
10 county. To determine the best value contractor, the county shall  
11 divide each bidder’s price by its qualifications score. The lowest  
12 resulting cost per quality point will represent the best value bid.

13 (d) A county shall issue a written decision of its contract award.

14 (e) Upon issuance of a contract award, a county shall publicly  
15 announce its award identifying the best value contractor to which  
16 the award is made, the project, the project price, and the selected  
17 best value contractor’s score based on the evaluation criteria listed  
18 in the request for bids. The notice of award shall be made public  
19 and include the score of the selected best value contractor in  
20 relation to all other responsive bidders and their respective prices.  
21 The contract file shall include documentation sufficient to support  
22 the decision to award.

23 20155.6. (a) ~~If the~~ *a* county elects to award a project pursuant  
24 to this article, retention proceeds withheld by the county from the  
25 selected best value contractor shall not exceed 5 percent if a  
26 performance and payment bond, issued by an admitted surety  
27 insurer, is required in the solicitation of bids.

28 (b) In a contract between the selected best value contractor and  
29 a subcontractor, and in a contract between a subcontractor and any  
30 subcontractor thereunder, the percentage of the retention proceeds  
31 withheld shall not exceed the percentage specified in the contract  
32 between the county and the selected best value contractor. If the  
33 selected best value contractor provides written notice to a  
34 subcontractor that, prior to or at the time the bid is requested, a  
35 bond may be required and the subcontractor subsequently is unable  
36 or refuses to furnish a bond to the selected best value contractor,  
37 then the selected best value contractor may withhold retention  
38 proceeds in excess of the percentage specified in the contract  
39 between the county and the selected best value contractor from

1 any payment made by the selected best value contractor to the  
2 subcontractor.

3 20155.7. (a) Before January 1, 2020, the board of supervisors  
4 of a participating county shall submit a report to the appropriate  
5 policy committees of the Legislature and the Joint Legislative  
6 Budget Committee. The report shall include, but is not limited to,  
7 the following information:

8 (1) A description of the projects awarded using the best value  
9 procedures.

10 (2) The contract award amounts.

11 (3) The best value contractors awarded the projects.

12 (4) A description of any written protests concerning any aspect  
13 of the solicitation, bid, or award of the best value contracts,  
14 including the resolution of the protests.

15 (5) A description of the prequalification process.

16 (6) The criteria used to evaluate the bids, including the weighting  
17 of the criteria and an assessment of the effectiveness of the  
18 methodology.

19 (7) If a project awarded under this article has been completed,  
20 an assessment of the project performance, to include a summary  
21 of any delays or cost increases.

22 (b) A report submitted pursuant to subdivision (a) shall be  
23 submitted in compliance with Section 9795 of the Government  
24 Code.

25 20155.8. Except as otherwise provided in this article, this article  
26 is not intended to change in any manner any guideline, criteria,  
27 procedure, or requirement of a county to let any contract for a  
28 project to the lowest responsible bidder or else reject all bids.

29 20155.9. This article shall remain in effect only until January  
30 1, 2020, and as of that date is repealed.

31 SEC. 3. Section 22161 of the Public Contract Code is amended  
32 to read:

33 22161. For purposes of this chapter, the following definitions  
34 apply:

35 (a) “Best value” means a value determined by evaluation of  
36 objective criteria that relate to price, features, functions, life-cycle  
37 costs, experience, and past performance. A best value determination  
38 may involve the selection of the lowest cost proposal meeting the  
39 interests of the local agency and meeting the objectives of the  
40 project, selection of the best proposal for a stipulated sum

1 established by the procuring agency, or a tradeoff between price  
2 and other specified factors.

3 (b) “Construction subcontract” means each subcontract awarded  
4 by the design-build entity to a subcontractor that will perform work  
5 or labor or render service to the design-build entity in or about the  
6 construction of the work or improvement, or a subcontractor  
7 licensed by the State of California that, under subcontract to the  
8 design-build entity, specially fabricates and installs a portion of  
9 the work or improvement according to detailed drawings contained  
10 in the plans and specifications produced by the design-build team.

11 (c) “Design-build” means a project delivery process in which  
12 both the design and construction of a project are procured from a  
13 single entity.

14 (d) “Design-build entity” means a corporation, limited liability  
15 company, partnership, joint venture, or other legal entity that is  
16 able to provide appropriately licensed contracting, architectural,  
17 and engineering services as needed pursuant to a design-build  
18 contract.

19 (e) “Design-build team” means the design-build entity itself  
20 and the individuals and other entities identified by the design-build  
21 entity as members of its team. Members shall include the general  
22 contractor and, if utilized in the design of the project, all electrical,  
23 mechanical, and plumbing contractors.

24 (f) “Local agency” means the following:

25 (1) A city, county, or city and county.

26 (2) A special district that operates wastewater facilities, solid  
27 waste management facilities, water recycling facilities, or fire  
28 protection facilities.

29 (3) Any transit district, included transit district, municipal  
30 operator, included municipal operator, any consolidated agency,  
31 as described in Section 132353.1 of the Public Utilities Code, any  
32 joint powers authority formed to provide transit service, any county  
33 transportation commission created pursuant to Section 130050 of  
34 the Public Utilities Code, or any other local or regional agency,  
35 responsible for the construction of transit projects.

36 (g) (1) For a local agency defined in paragraph (1) of  
37 subdivision (f), “project” means the construction of a building or  
38 buildings and improvements directly related to the construction  
39 of a building or buildings, county sanitation wastewater treatment  
40 facilities, and park and recreational facilities, but does not include

1 the construction of other infrastructure, including, but not limited  
2 to, streets and highways, public rail transit, or water resources  
3 facilities and infrastructure. For a local agency defined in paragraph  
4 (1) of subdivision (f) that operates wastewater facilities, solid waste  
5 management facilities, or water recycling facilities, “project” also  
6 means the construction of regional and local wastewater treatment  
7 facilities, regional and local solid waste facilities, or regional and  
8 local water recycling facilities.

9 (2) For a local agency defined in paragraph (2) of subdivision  
10 (f), “project” means the construction of regional and local  
11 wastewater treatment facilities, regional and local solid waste  
12 facilities, regional and local water recycling facilities, or fire  
13 protection facilities.

14 (3) For a local agency defined in paragraph (3) of subdivision  
15 (f), “project” means a transit capital project that begins a project  
16 solicitation on or after January 1, 2015. A “project,” as defined by  
17 this paragraph, that begins the solicitation process before January  
18 1, 2015, is subject to Article 6.8 (commencing with Section  
19 20209.5) of Chapter 1. “Project,” as defined by this paragraph,  
20 does not include state highway construction or local street and  
21 road projects.

22 *SEC. 4. The Legislature finds and declares that a special law*  
23 *is necessary and that a general law cannot be made applicable*  
24 *within the meaning of Section 16 of Article IV of the California*  
25 *Constitution because of the need to establish a pilot project for*  
26 *the Counties of Alameda, Los Angeles, Placer, Riverside, San*  
27 *Bernardino, San Diego, Solano, and Yuba to determine the*  
28 *potential benefits and consequences of using best value*  
29 *procurement to facilitate infrastructure improvements and ease*  
30 *fiscal impacts.*

31 ~~SEC. 4.~~

32 *SEC. 5. No reimbursement is required by this act pursuant to*  
33 *Section 6 of Article XIII B of the California Constitution because*  
34 *the only costs that may be incurred by a local agency or school*  
35 *district will be incurred because this act creates a new crime or*  
36 *infraction, eliminates a crime or infraction, or changes the penalty*  
37 *for a crime or infraction, within the meaning of Section 17556 of*  
38 *the Government Code, or changes the definition of a crime within*

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

O