

Assembly Bill No. 1092

Passed the Assembly August 28, 1998

Chief Clerk of the Assembly

Passed the Senate August 27, 1998

Secretary of the Senate

This bill was received by the Governor this ____ day
of _____, 1998, at ____ o'clock __M.

Private Secretary of the Governor



CHAPTER _____

An act to amend Section 4104 of, and to add Section 4104.5 to, the Public Contract Code, relating to public works.

LEGISLATIVE COUNSEL'S DIGEST

AB 1092, Goldsmith. Subletting and Subcontracting Fair Practices Act: bidding practices.

The Subletting and Subcontracting Fair Practices Act requires the entity taking bids for the construction of any public work or improvement to specify that any person making a bid or offer to perform the work shall, in his or her bid or offer, set forth the name and location of the place of business of, and the portion of the work to be done by, each subcontractor who will perform work or labor or render service to the prime contractor in or about the work or improvement, or a subcontractor who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work according to specifications, in an amount in excess of $\frac{1}{2}$ of 1% of the prime contractor's total bid, or in the case of bids or offers for the construction of streets or highways, including bridges, in an amount in excess of $\frac{1}{2}$ of 1% of the prime contractor's total bid or \$10,000, whichever is greater.

This bill would provide that any information requested by the entity taking bids concerning any subcontractor who the prime contractor is required to list, other than the subcontractor's name and location of business, may be submitted by the prime contractor up to 24 hours after the deadline established by that entity for receipt of bids by prime contractors. It would authorize a state or local agency to implement this provision at its option. It would additionally require the entity taking bids to set forth in the bid invitation a date and time for closing of submission of bids by prime contractors, which shall be extended by no less than 72 hours in the event that entity issues any material changes, additions, or deletions to the invitation later than 72 hours prior to the bid.



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

SECTION 1. Section 4104 of the Public Contract Code is amended to read:

4104. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his or her bid or offer, set forth:

(a) (1) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the construction of the work or improvement, or a subcontractor licensed by the State of California who, under subcontract to the prime contractor, specially fabricates and installs a portion of the work or improvement according to detailed drawings contained in the plans and specifications, in an amount in excess of one-half of 1 percent of the prime contractor's total bid or, in the case of bids or offers for the construction of streets or highways, including bridges, in excess of one-half of 1 percent of the prime contractor's total bid or ten thousand dollars (\$10,000), whichever is greater.

(2) (A) Subject to subparagraph (B), any information requested by the officer, department, board, or commission concerning any subcontractor who the prime contractor is required to list under this subdivision, other than the subcontractor's name and location of business, may be submitted by the prime contractor up to 24 hours after the deadline established by the officer, department, board, or commission for receipt of bids by prime contractors.

(B) A state or local agency may implement subparagraph (A) at its option.

(b) The portion of the work that will be done by each subcontractor under this act. The prime contractor shall



list only one subcontractor for each portion as is defined by the prime contractor in his or her bid.

SEC. 2. Section 4104.5 is added to the Public Contract Code, to read:

4104.5. (a) The officer, department, board, or commission taking bids for construction of any public work or improvement shall set forth in the bid invitation a date and time for closing of submission of bids by prime contractors. The date and time shall be extended by no less than 72 hours in the event the officer, department, board, or commission issues any material changes, additions, or deletions to the invitation later than 72 hours prior to the bid closing.

(b) As used in this section, the term “material change” means a change with a substantial cost impact on the total bid as determined by the awarding agency.

(c) As used in this section, the term “bid invitation” shall include any documents issued to prime contractors that contain descriptions of the work to be bid or the content, form, or manner of submission of bids by bidders.



Approved _____, 1998

Governor

