

Assembly Bill No. 2275

CHAPTER 1034

An act to add Section 14105 to the Government Code, relating to transportation.

[Approved by Governor September 30, 2000. Filed with Secretary of State September 30, 2000.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2275, Correa. Transportation: construction projects: quality control.

Existing law requires the Department of Transportation to plan, design, construct, operate, and maintain those transportation systems that the Legislature has made, or may make, the responsibility of the department, except as specified.

This bill would authorize the department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. The bill would provide that, unless a contract provides that a contractor or service provider will perform quality control under the contract, the department may assign qualified state employees or other personnel to perform all inspection and testing required under existing law, regulation, or policy on any project performed under its jurisdiction that requires the inspection of construction activity or material, including, but not limited to, commercial and fabricated material.

This bill would authorize the department to adopt and enforce a policy requiring inspection of construction activity or material in the absence of any other law or regulation requiring that inspection.

This bill would require that any contractor or service provider who performs quality control inspections and tests as part of a contract with the department be certified on a prescribed random basis by qualified state employees or organizations certified by the department pursuant to applicable law, regulation, or policy.

This bill would prohibit any person, firm, corporation, partnership, or association from willfully concealing, altering, misrepresenting, or distorting or attempting to do the same as to the findings of any laboratory or subcontractor that provides quality control inspection services to a contractor under these provisions. The department would be required to take prescribed courses of action against violators including disqualifying violators for a period of one to 3 years from bidding, working, or being awarded public contracts that are under the jurisdiction of the department. The bill would authorize the department to promulgate rules and regulations for the



administration and enforcement of these provisions and provide for the definition of terms.

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

SECTION 1. Section 14105 is added to the Government Code, to read:

14105. (a) The department may verify that all construction projects performed under its jurisdiction meet or exceed all standards and specifications included in the projects.

(b) Unless a contract provides that a contractor or service provider will perform quality control under the contract, the department may assign qualified state employees or other persons, subject to existing law, to perform all inspection and testing required under existing law, regulation, or policy on any project performed under its jurisdiction that requires the inspection of construction activity or material, including, but not limited to, commercial and fabricated material.

(c) If no other law or regulation requires inspection and testing, the department may adopt and enforce a strict policy requiring inspection of construction activity or material, including, but not limited to, commercial and fabricated material.

(d) Any contractor or service provider who performs quality control inspections and tests as part of a contract with the department shall be certified on a prescribed random basis by qualified state employees or an organization certified by the department pursuant to applicable law, regulation, or policy.

(e) Quality assurance testing and inspection shall be performed over the entire period of a contract.

(f) Nothing in this section is intended to expand or restrict the authority of the department to contract for the provision of construction, inspection, management, and testing services from qualified private sector firms.

(g) No person shall willfully conceal, alter, misrepresent, or distort, or attempt to conceal, alter, misrepresent, or distort the findings of any laboratory or subcontractor that provides quality control inspection and testing services to a contractor under this section.

(1) If the prime contractor is not found to have concealed, altered, misrepresented, or distorted, or attempted to conceal, alter, misrepresent, or distort the findings of any laboratory or subcontractor by reason of having a subcontractor perform inspection and testing services, then the prime contractor is not considered to be in violation of this section.

(2) Whenever any person, firm, corporation, partnership, or association performing quality control inspection and testing services on a public work contract, pursuant to Section 1101 of the Public



Contract Code, and is under the jurisdiction of the department, is found by the department to have violated this section, the department shall order for a period of not less than one year and not more than three years that the person or entity refrain from doing any of the following within the department's jurisdiction:

- (A) Bid on a public work contract.
- (B) Work on a public work contract.
- (C) Be awarded a public work contract.

(3) Any determination by the department pursuant to paragraph (2) shall be made after a full investigation by the department and a fair and impartial hearing with reasonable notice. The periods of disqualification specified in this section shall commence on the date the determination of the violation is made by the department.

(4) A violation of this section occurs when the person, firm, corporation, partnership, association, or officers commit any one or more of the acts described in subdivision (g).

(5) The department may promulgate rules and regulations for the administration and enforcement of this section and provide for the definition of terms.

