

AMENDED IN SENATE AUGUST 27, 2010  
AMENDED IN SENATE AUGUST 20, 2010  
AMENDED IN SENATE AUGUST 18, 2010  
AMENDED IN SENATE JULY 15, 2010  
AMENDED IN SENATE JUNE 28, 2010  
AMENDED IN SENATE JUNE 14, 2010  
AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2036**

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**Introduced by Assembly Member Bill Berryhill**

February 17, 2010

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An act to add Sections 10111.2 and 20103.7 to the Public Contract Code, relating to public contracts, ~~and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2036, as amended, Bill Berryhill. Public contracts: contract document distribution.

Existing law, the State Contract Act and the Local Agency Public Construction Act, sets forth the procedures pursuant to which state and local agencies may solicit and evaluate bids or proposals for, and award, contracts for the construction of public works. The State Contract Act requires a department, as defined, to comply with its provisions.

This bill would require a state department and a local agency, *upon request from a contractor plan service*, to provide an electronic copy

of a project’s contract documents to *the* contractor plan room service when requested and would also require a local agency to reimburse a design professional, as defined, for the actual costs of preparation and distribution of the contract documents *at no charge*.

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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -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 10111.2 is added to the Public Contract
- 2 Code, to read:
- 3 10111.2. A department shall, upon request from a contractor
- 4 plan room service, provide an electronic copy of a project’s contract
- 5 documents at no charge to the contractor plan room.
- 6 SEC. 2. Section 20103.7 is added to the Public Contract Code,
- 7 to read:
- 8 20103.7. ~~(a) A local agency subject to this chapter taking bids~~
- 9 ~~for the construction of a public work or improvement shall~~
- 10 ~~distribute an electronic copy of the project’s contract documents,~~
- 11 ~~including all drawings, plans, specifications, and estimated total~~
- 12 ~~costs of the proposed public improvement, at no charge to a~~
- 13 ~~contractor plan room service when requested by a contractor plan~~
- 14 ~~room service. shall, upon request from a contractor plan room~~
- 15 ~~service, provide an electronic copy of a project’s contract~~
- 16 ~~documents at no charge to the contractor plan room. The local~~
- 17 ~~agency shall reimburse a design professional for the actual costs~~
- 18 ~~of preparation and distribution of the contract documents.~~
- 19 (b) ~~For the purposes of this section, “design professional”~~
- 20 ~~includes all of the following:~~
- 21 (1) ~~An individual licensed as an architect pursuant to Chapter~~
- 22 ~~3 (commencing with Section 5500) of Division 3 of the Business~~

1 and Professions Code, or a business entity offering architectural  
2 services in accordance with that chapter.

3 ~~(2) An individual licensed as a landscape architect pursuant to  
4 Chapter 3.5 (commencing with Section 5615) of Division 3 of the  
5 Business and Professions Code, or a business entity offering  
6 landscape architectural services in accordance with that chapter.~~

7 ~~(3) An individual registered as a professional engineer pursuant  
8 to Chapter 7 (commencing with Section 6700) of Division 3 of  
9 the Business and Professions Code, or a business entity offering  
10 professional engineering services in accordance with that chapter.~~

11 ~~(4) An individual licensed as a professional land surveyor  
12 pursuant to Chapter 15 (commencing with Section 8700) of  
13 Division 3 of the Business and Professions Code, or a business  
14 entity offering professional land surveying services in accordance  
15 with that chapter.~~

16 SEC. 3. If the Commission on State Mandates determines that  
17 this act contains costs mandated by the state, reimbursement to  
18 local agencies and school districts for those costs shall be made  
19 pursuant to Part 7 (commencing with Section 17500) of Division  
20 4 of Title 2 of the Government Code.

21 ~~SEC. 4. This act is an urgency statute necessary for the  
22 immediate preservation of the public peace, health, or safety within  
23 the meaning of Article IV of the Constitution and shall go into  
24 immediate effect. The facts constituting the necessity are:~~

25 ~~Due to the current policy of many local agencies charging  
26 prospective bidders for a copy of the contract documents, many  
27 contractors are unable to afford to submit bids, which is having a  
28 dampening effect on competition by increasing the cost of building  
29 certain public works projects, and in order to address this matter  
30 in a timely manner, it is necessary that this act take effect  
31 immediately.~~