



# Memorandum

TO: Clients DATE: August 4, 2014

RE: New Department of Industrial Relations' Requirements for Public Works Contractors

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On June 20, 2014, Governor Brown signed into law SB 854, a budget trailer bill that made significant changes to the administration and enforcement of prevailing wage requirements by the Department of Industrial Relations (DIR). Among these changes was the creation of a new public works contractor registration program to *replace* the Compliance Monitoring Unit ("CMU") and Labor Compliance Program ("LCP") requirements for bond-funded and other public works projects.

Under the new contractor registration program, contractors must meet certain minimum requirements, register with DIR using the new online application system and pay an annual fee of \$300.00. The registration and annual fee enables the contractor *to bid on and perform on public works*. DIR will post a list of all registered contractors and subcontractors on its website. A contract with an unregistered contractor is subject to cancellation.

Under the new contractor registration program, DIR (through and the Labor Commissioner's Office) will monitor and enforce prevailing wage laws. Therefore, all CMU or LCP requirements based on the funding source *have been eliminated and replaced* by requirements that apply to all public works projects as set forth in the Labor Code. Accordingly, DIR will *no longer charge awarding bodies* for prevailing wage monitoring and enforcement effective June 20, 2014.

*Awarding bodies will now be required to submit a PWC-100 for all public works projects.* Awarding bodies must also include in all call for bids and contracts documents that no bid can be accepted nor any contract or subcontract entered into without proof that the contractor and all subcontractors are registered.

**Key Dates to Note:**

- **Now:** Awarding bodies must submit a PWC-100 for *all* public works projects.
- **Now:** DIR contractor registration online application available.
- **March 1, 2015:** Deadline for all contractors and subcontractors to be registered.
- **April 1, 2015:** Awarding bodies must utilize registered contractors and subcontractors for any *new projects* awarded on or after this date.
- **January 1, 2016:** Awarding bodies must utilize only registered contractors and subcontractors on *all public works projects* (new or ongoing) awarded on or after this date.

The Labor Commissioner may make an exemption to the new requirements for projects undertaken by LCP legacy programs or for projects covered by qualifying project labor agreements.

**For further information regarding SB 854 and how the law may further impact your Awarding Body or Agency, please contact our Labor Compliance Department at (310) 788-9200.**



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## Hill Introduces Bill Banning New Artificial Turf Fields Made With Recycled Tires While State Studies Possible Link To Cancer And Other Health Risks

December 17, 2014

**Senator Jerry Hill Introduces Bill Banning New Artificial Turf Fields Made With Recycled Tires While The State Studies Possible Link To Cancer And Other Health Risks**

*SB 47 Would Use Money From The California Tire Recycling Management Fund To Pay For The Comprehensive Study Prompted By Concerns These Surfaces Are Harming Children*

SACRAMENTO – Senator Jerry Hill, prompted by increasing concerns that artificial turf fields made with crumbs of rubber from recycled tires may be linked to serious illnesses in children, today introduced legislation that would prohibit the installation of these surfaces in schools and parks in California while the state conducts a study to determine possible health risks.

"The Los Angeles Unified School District and city of New York have already implemented complete bans – this is just a temporary moratorium until a thorough analysis can be conducted," Hill, D-San Mateo and Santa Clara counties, said in introducing Senate Bill 47, The Children's Safe Playground and Turf Field Act of 2015.

Concerns have mounted about chemical compounds contained in recycled rubber tires as an increasing number of young athletes have developed leukemia, non-Hodgkin lymphoma, and testicular, prostate and other forms of cancer.

Hill's bill would require the state Office of Environmental Health Hazard Assessment, in consultation with the Department of Resources Recycling and Recovery, the Department of Public Health, and the Department of Toxic Substances Control, to conduct a study to be completed by July 1, 2017, into possible health risks posed by these artificial fields.

SB 47 would prohibit a public or private school or local government until Jan. 1, 2018, from installing, or contracting for the installation of a new field or playground surface made from synthetic turf containing crumb rubber from used tires in public or private schools or public parks. The temporary moratorium would not affect the installation of fields already underway. The temporary moratorium will not impact turf fields and playground surfaces containing alternative materials made without used tires.

"We have a responsibility to ensure that our children aren't being harmed by materials used to make their fields and playgrounds," Hill said.

The federal Environmental Protection Agency has deferred such studies and regulation to states. In California, the Legislature commissioned a 2010 study that looked, specifically, at whether these fields release significant amounts of volatile organic compounds that are harmful to humans and if they increase the risk of serious skin infections.

Hill's legislation calls for a more comprehensive study, including the cumulative impacts on human health from various chemicals found in tires that might also be present in turf fields and playgrounds made with crumb rubber. The study will also look at alternatives to crumb rubber from used tires such as coconut fibers, rice husks, cork and used shoes.

Money for the study would come from the California Tire Recycling Management Fund, which requires a person who purchases a new tire to pay a state fee for programs related to disposal of used tires.

To view the text of SB 47, please click [here](#).

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**At-a-Glance: California Economy**



**Internships**

**Introduced by Senator Hill**December 17, 2014

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An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of, and to repeal Section 115812 of, the Health and Safety Code, and to amend Section 42873 of the Public Resources Code, relating to environmental health.

## LEGISLATIVE COUNSEL'S DIGEST

SB 47, as introduced, Hill. Environmental health: synthetic turf.

Existing law regulates certain behavior related to recreational activities and public safety, including, among other things, playgrounds and wooden playground equipment.

This bill would require the Office of Environmental Health Hazard Assessment, by July 1, 2017, in consultation with the Department of Resources Recycling and Recovery, the State Department of Public Health, and the Department of Toxic Substances Control, to prepare and provide to the Legislature and post on the office's Internet Web site a study analyzing synthetic turf, as defined, for potential adverse health impacts. The bill would require the study to include certain information, including a hazard analysis of individual, synergistic, and cumulative exposures to the chemicals that may be found in synthetic turf, as provided. The bill would prohibit a public or private school or local government, until January 1, 2018, from installing, or contracting for the installation of, a new field or playground surface made from synthetic turf within the boundaries of a public or private school or public recreational park, as provided.

The California Tire Recycling Act (act) requires a person who purchases a new tire to pay a California tire fee, for deposit in the California Tire Recycling Management Fund, for expenditure by the

department, upon appropriation by the Legislature, for programs related to the disposal of waste tires. The act specifies that the activities eligible for funding include the manufacture of specified products made from used tires.

The bill would include the above study as one of the acceptable activities eligible for this funding.

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

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

1 SECTION 1. Article 3 (commencing with Section 115810) is  
2 added to Chapter 4 of Part 10 of Division 104 of the Health and  
3 Safety Code, to read:

4  
5 Article 3. The Children’s Safe Playground and Turf Field Act  
6 of 2015  
7

8 115810. For purposes of this article, “synthetic turf” means  
9 any composition material that contains recycled crumb rubber  
10 from waste tires and is used to cover or surface a field or  
11 playground.

12 115811. (a) By July 1, 2017, the Office of Environmental  
13 Health Hazard Assessment, in consultation with the Department  
14 of Resources Recycling and Recovery, the State Department of  
15 Public Health, and the Department of Toxic Substances Control,  
16 shall prepare and provide to the Legislature and post on the office’s  
17 Internet Web site a study analyzing synthetic turf for potential  
18 adverse health impacts.

- 19 (b) The study shall include all of the following:  
20 (1) A hazard analysis of individual, synergistic, and cumulative  
21 exposures to the chemicals that may be found in synthetic turf,  
22 such as 4-t-octylphenol, acetone, arsenic, barium, benzene,  
23 benzothiazole, butylated hydroxyanisole, cadmium, carbon black,  
24 chloroethane, chromium, lead, manganese, matex, mercury, methyl  
25 ethyl ketone, methyl isobutyl ketone, n-hexadecane, naphthalene,  
26 nickel, nylon, phenol, phthalates, polycyclic aromatic  
27 hydrocarbons, and zinc.  
28 (2) A specific analysis evaluating varying exposure activities,  
29 environments, duration of play, ages of different populations who

1 play on synthetic turf, and exposure pathways, including whether  
2 chemicals found in tires have negative impacts on human health  
3 when used in indoor and outdoor fields and parks with various  
4 weather exposures and potentially ingested by children or coming  
5 in contact with children’s bodies.

6 (3) Biomonitoring or other exposure monitoring of children or  
7 adults exposed to synthetic turf to be used to assess their exposure  
8 to chemicals found in the synthetic turf, to the extent feasible, to  
9 determine potential health impacts on children and other age  
10 groups.

11 (4) An examination of the potential for fields and playgrounds  
12 containing synthetic turf to cause adverse health impacts, including,  
13 but not limited to, non-Hodgkin lymphoma, testicular cancer,  
14 prostate cancer, sarcoma cancer, and leukemia. This examination  
15 shall include people who have developed these health impacts and  
16 played on fields and playgrounds containing used tires, including,  
17 but not limited to, soccer goalies.

18 (5) An examination of the health impacts associated with  
19 synthetic turf fields and playgrounds of varying age.

20 (6) An evaluation of the differences in the manufacturers of  
21 synthetic turf and different turf, field, and playground products,  
22 including those that do not use recycled tires, and how these  
23 differences may affect health impacts. The evaluation shall include,  
24 but not be limited to, the types and age of tires used, the tire  
25 processing, and the type of plasticizer, backing material, adhesives,  
26 and plastic blades of artificial grass used to make the final synthetic  
27 turf product.

28 (7) An evaluation of the differences, in terms of health impacts,  
29 between crumb rubber and alternative surface materials, including  
30 coconut fibers, rice husks, cork, and used shoes.

31 (8) A review of current research on the health impacts of  
32 synthetic turf done by authoritative bodies from around the country  
33 and the world.

34 (9) Research to fill any data gaps, such as those data gaps  
35 identified by the report prepared by the Office of Environmental  
36 Health Hazard Assessment on behalf of the Department of  
37 Resources Recycling and Recovery titled “Safety Study of  
38 Artificial Turf Containing Crumb Rubber Infill Made From  
39 Recycled Tires: Measurements of Chemicals and Particulates in

1 the Air, Bacteria in the Turf, and Skin Abrasions Caused by  
2 Contact with the Surface.”

3 (10) An examination of the health impacts of exposures to many  
4 low level volatile organic compounds and polycyclic aromatic  
5 hydrocarbons found in synthetic turf fields and playgrounds.

6 (c) At least 20 synthetic turf fields and playgrounds around the  
7 state shall be analyzed for purposes of the study.

8 (d) (1) A study submitted to the Legislature pursuant to  
9 subdivision (a) shall be submitted in compliance with Section 9795  
10 of the Government Code.

11 (2) The requirement for submitting a study to the Legislature  
12 imposed pursuant to subdivision (a) is inoperative on July 1, 2021,  
13 pursuant to Section 10231.5 of the Government Code.

14 115812. (a) (1) A public or private school or local government  
15 shall not install, or contract for the installation of, a new field or  
16 playground surface made from synthetic turf within the boundaries  
17 of a public or private school or public recreational park.

18 (2) Paragraph (1) shall not apply to any installation of a field  
19 or playground surface made from synthetic turf that commenced,  
20 or any contract for such installation entered into, prior to January  
21 1, 2016.

22 (b) This section shall remain in effect only until January 1, 2018,  
23 and as of that date is repealed, unless a later enacted statute, that  
24 is enacted before January 1, 2018, deletes or extends that date.

25 SEC. 2. Section 42873 of the Public Resources Code is  
26 amended to read:

27 42873. (a) Activities eligible for funding under this article,  
28 that reduce, or that are designed to reduce or promote the reduction  
29 of, landfill disposal of used whole tires, may include the following:

- 30 (1) Polymer treatment.
- 31 (2) Rubber reclaiming and crumb rubber production.
- 32 (3) Retreading.
- 33 (4) Shredding.
- 34 (5) The manufacture of products made from used tires,  
35 including, but not limited to, all of the following:
  - 36 (A) Rubberized asphalt, asphalt rubber, modified binders, and  
37 chip seals.
  - 38 (B) Playground equipment.
  - 39 (C) Crash barriers.
  - 40 (D) Erosion control materials.

- 1 (E) Nonslip floor and track surfacing.
- 2 (F) Oilspill recovery equipment.
- 3 (G) Roofing adhesives.
- 4 (H) Tire-derived aggregate applications, including lightweight
- 5 fill and vibration mitigation.
- 6 (I) Molded products.
- 7 (J) Products using recycling rubber and other materials, such
- 8 as plastic.
- 9 (K) Paint and coatings.
- 10 (6) Other environmentally safe applications or treatments
- 11 determined to be appropriate by the ~~board~~ department.
- 12 (7) *A study to analyze synthetic turf for potential adverse health*
- 13 *impacts, pursuant to Section 115811 of the Health and Safety Code.*
- 14 (b) (1) ~~The board may~~ department shall not expend funds for
- 15 an activity that provides support or research for the incineration
- 16 of tires. For the purposes of this article, incineration of tires,
- 17 includes, but is not limited to, fuel feed system development, fuel
- 18 sizing analysis, and capacity and production optimization.
- 19 (2) Paragraph (1) does not affect the permitting or regulation
- 20 of facilities that engage in the incineration of tires.

AMENDED IN ASSEMBLY APRIL 10, 2014  
AMENDED IN ASSEMBLY MARCH 28, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1581**

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**Introduced by Assembly Member Buchanan**

February 3, 2014

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An act to amend, repeal, and add ~~Section~~ *Sections 17406 and 17407* of the Education Code, and to amend Section 20111.6 of the Public Contract Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

**AB 1581**, as amended, Buchanan. School facilities: construction contracts.

Existing law requires, until January 1, 2019, the governing board of a school district that enters into a contract for a public project, as defined, for which the board uses moneys received pursuant to the Leroy F. Greene School Facilities Act of 1998 or moneys from future state school bonds for a public project that involves a projected expenditure of \$1,000,000 or more, to require prospective bidders for a construction contract to complete and submit a standardized prequalification questionnaire and financial statement. Existing law requires the questionnaire and statement to be verified under oath by the bidder and for the district to adopt and apply a uniform system of rating bidders on the basis of the questionnaire and statement.

*Existing law authorizes the governing board to lease real property for a minimum rental of \$1 per year if the instrument by which this property is leased requires the lessee to construct or provide for the construction of a building to be used by the district.*



Existing law also authorizes the governing board to enter into an agreement with the lowest responsible bidder to construct, or provide for the construction of, a building to be leased and used by the district upon a designated site. Existing law requires the instrument to provide that the title to the building and site to vest in the district at the end of the lease.

This bill would, until January 1, 2019, ~~require a prospective bidder for a contract with a school district, for construction of the lease instrument and the agreement with the lowest responsible bidder to include a requirement for the person, firm, or corporation that constructs~~ a building to be leased and used by the school district upon a designated site, *including, but not limited to, the prime contractor and, if used, electrical, mechanical, and plumbing subcontractors, to comply with the above-described prequalification questionnaire and financial statement requirements when the agreement is for a public project using moneys received pursuant to the Leroy F. Greene School Facilities Act of 1998 or moneys from future state school bonds that involves a projected expenditure of \$1,000,000 or more. By requiring additional persons to complete a questionnaire and statement that is verified under oath and increasing the duties of local officials, the bill would impose a state-mandated local program.*

*The bill would also, among other things, require the governing board to establish a process to prequalify a person, firm, or corporation, including, but not limited to, the prime contractor and, if used, an electrical, mechanical, and plumbing subcontractor, to construct the leased building on a quarterly or annual basis, which would be valid for one calendar year following the date of the initial prequalification.*

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: yes.  
State-mandated local program: yes.

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

1     **SECTION 1.** *Section 17406 of the Education Code is amended*  
2 *to read:*

3     17406. (a) (1) Notwithstanding Section 17417, the governing  
4 board of a school district, without advertising for bids, may let,  
5 for a minimum rental of one dollar (\$1) a year, to any person, firm,  
6 or corporation any real property that belongs to the district if the  
7 instrument by which ~~such~~ *this* property is let requires the lessee  
8 therein to construct on the demised premises, or provide for the  
9 construction thereon of, a building or buildings for the use of the  
10 school district during the term ~~thereof~~ *of the lease*, and provides  
11 that title to that building shall vest in the school district at the  
12 expiration of that term. The instrument may provide for the means  
13 or methods by which that title shall vest in the school district prior  
14 to the expiration of that term, and shall contain ~~such~~ other terms  
15 and conditions as the governing board may deem to be in the best  
16 interest of the school district.

17     (2) *If the instrument meets the criteria of subdivision (a) of*  
18 *Section 20111.6 of the Public Contract Code, the instrument shall*  
19 *also require that a person, firm, or corporation that constructs*  
20 *the building, including, but not limited to, the prime contractor*  
21 *and, if used, electrical, mechanical, and plumbing subcontractor,*  
22 *shall be subject to the same prequalification requirements for*  
23 *prospective bidders described in Section 20111.6 of the Public*  
24 *Contract Code, including the requirement for the completion and*  
25 *submission of a standardized prequalification questionnaire and*  
26 *financial statement that is verified under oath and is not a public*  
27 *record.*

28     (b) Any rental of property that complies with subdivision (a)  
29 *as it reads on the day that the lease is entered into* shall be deemed  
30 to have thereby required the payment of adequate consideration  
31 for purposes of Section 6 of Article XVI of the California  
32 Constitution.

33     (c) *This section shall remain in effect only until January 1, 2019,*  
34 *and as of that date is repealed, unless a later enacted statute, that*  
35 *is enacted before January 1, 2019, deletes or extends that date.*

36     **SEC. 2.** *Section 17406 is added to the Education Code, to read:*

37     17406. (a) Notwithstanding Section 17417, the governing  
38 board of a school district, without advertising for bids, may let,

1 *for a minimum rental of one dollar (\$1) a year, to any person,*  
2 *firm, or corporation any real property that belongs to the district*  
3 *if the instrument by which this property is let requires the lessee*  
4 *to construct on the demised premises, or provide for the*  
5 *construction thereon of, a building or buildings for the use of the*  
6 *school district during the term of the lease, and provides that title*  
7 *to that building shall vest in the school district at the expiration*  
8 *of that term. The instrument may provide for the means or methods*  
9 *by which that title shall vest in the school district prior to the*  
10 *expiration of that term, and shall contain other terms and*  
11 *conditions as the governing board may deem to be in the best*  
12 *interest of the school district.*

13 *(b) Any rental of property that complies with subdivision (a)*  
14 *shall be deemed to have thereby required the payment of adequate*  
15 *consideration for purposes of Section 6 of Article XVI of the*  
16 *California Constitution.*

17 *(c) This section shall become operative on January 1, 2019.*

18 **SECTION 1.**

19 **SEC. 3.** Section 17407 of the Education Code is amended to  
20 read:

21 17407. (a) The governing board of any school district may  
22 enter into an agreement with any person, firm, or corporation under  
23 which that person, firm, or corporation shall construct, or provide  
24 for the construction of, a building to be used by the district upon  
25 a designated site and lease the building and site to the district. The  
26 instrument shall provide that the title to the building and site shall  
27 vest in the district at the expiration of the lease, and may provide  
28 the means or method by which the title to the building and site  
29 shall vest in the district prior to the expiration of the lease, and  
30 shall contain other terms and conditions as the governing board  
31 of the district deems to be in the best interest of the district.

32 (b) The agreement entered into shall be with the lowest  
33 responsible bidder who shall give the security that any board  
34 requires. The board may reject all bids. For the purpose of securing  
35 bids the board shall publish at least once a week for two weeks in  
36 some newspaper of general circulation published in the district,  
37 or if there is no paper, then in some paper of general circulation  
38 circulated in the county, a notice calling for bids, stating the  
39 proposed terms of the agreement and the time and place where  
40 bids will be opened.

1 (c) If the agreement meets the criteria of subdivision (a) of  
2 Section 20111.6 of the Public Contract Code, the *agreement shall*  
3 *also require that a person, firm, or corporation entering into an*  
4 ~~*agreement with the governing board of a school district that*~~  
5 *constructs the building, including, but not limited to, the prime*  
6 *contractor and, if used, electrical, mechanical, and plumbing*  
7 *subcontractor, under this section shall be subject to the same*  
8 *prequalification requirements for prospective bidders described*  
9 *in Section 20111.6 of the Public Contract Code, including the*  
10 *requirement for the completion and submission of a standardized*  
11 *prequalification questionnaire and financial statement that is*  
12 *verified under oath and is not a public record.*

13 (d) This section shall remain in effect only until January 1, 2019,  
14 and as of that date is repealed, unless a later enacted statute, that  
15 is enacted before January 1, 2019, deletes or extends that date.

16 ~~SEC. 2.~~

17 *SEC. 4.* Section 17407 is added to the Education Code, to read:

18 17407. (a) The governing board of any school district may  
19 enter into an agreement with any person, firm, or corporation under  
20 which that person, firm, or corporation shall construct, or provide  
21 for the construction of, a building to be used by the district upon  
22 a designated site and lease the building and site to the district. The  
23 instrument shall provide that the title to the building and site shall  
24 vest in the district at the expiration of the lease, and may provide  
25 the means or method by which the title to the building and site  
26 shall vest in the district prior to the expiration of the lease, and  
27 shall contain other terms and conditions as the governing board  
28 of the district deems to be in the best interest of the district.

29 (b) The agreement entered into shall be with the lowest  
30 responsible bidder who shall give the security that any board  
31 requires. The board may reject all bids. For the purpose of securing  
32 bids the board shall publish at least once a week for two weeks in  
33 some newspaper of general circulation published in the district,  
34 or if there is no paper, then in some paper of general circulation  
35 circulated in the county, a notice calling for bids, stating the  
36 proposed terms of the agreement and the time and place where  
37 bids will be opened.

38 (c) This section shall become operative on January 1, 2019.

1 ~~SEC. 3.~~

2 *SEC. 5.* Section 20111.6 of the Public Contract Code is  
3 amended to read:

4 20111.6. (a) This section shall apply only to public projects,  
5 as defined in subdivision (c) of Section 22002, for which the  
6 governing board of the district uses funds received pursuant to the  
7 Leroy F. Greene School Facilities Act of 1998 (Chapter 12.5  
8 (commencing with Section 17070.10) of Part 10 of Division 1 of  
9 Title 1 of the Education Code) or any funds from any future state  
10 school bond for a public project that involves a projected  
11 expenditure of one million dollars (\$1,000,000) or more.

12 (b) If the governing board of the district enters into a contract  
13 meeting the criteria of subdivision (a), then the governing board  
14 of the district shall require that prospective bidders for a  
15 construction contract, ~~including a contract for the construction of~~  
16 ~~a building to be used and leased by the district pursuant to Sections~~  
17 ~~17406 and 17407 of the Education Code~~, complete and submit to  
18 the board of the district a standardized prequalification  
19 questionnaire and financial statement. The questionnaire and  
20 financial statement shall be verified under oath by the bidder in  
21 the manner in which civil pleadings in civil actions are verified.  
22 The questionnaires and financial statements shall not be public  
23 records and shall not be open to public inspection.

24 (c) ~~The board of the district shall adopt and apply a uniform~~  
25 ~~system of rating bidders on the basis of the completed~~  
26 ~~questionnaires and financial statements. This system shall also~~  
27 ~~apply to a person, firm, or corporation that constructs a building~~  
28 ~~described in Section 17406 or 17407 of the Education Code.~~

29 (d) The questionnaire and financial statement described in  
30 subdivision (b), and the uniform system of rating bidders described  
31 in subdivision (c), shall cover, at a minimum, the issues covered  
32 by the standardized questionnaire and model guidelines for rating  
33 bidders developed by the Department of Industrial Relations  
34 pursuant to subdivision (a) of Section 20101.

35 (e) Each prospective bidder shall be furnished by the school  
36 district letting the contract with a standardized proposal form that,  
37 when completed and executed, shall be submitted as his or her bid.  
38 Bids not presented on the forms so furnished shall be disregarded.

39 (f) A proposal form required pursuant to subdivision (e) shall  
40 not be accepted from any person or other entity that is required to

1 submit a completed questionnaire and financial statement for  
2 prequalification pursuant to subdivision (b) or from any person or  
3 other entity that uses a subcontractor that is required to submit a  
4 completed questionnaire and financial statement for  
5 prequalification pursuant to subdivision (b), but has not done so  
6 at least 10 business days prior to the date fixed for the public  
7 opening of sealed bids or has not been prequalified for at least five  
8 business days prior to that date. *The district may require the*  
9 *completed questionnaire and financial statement for*  
10 *prequalification to be submitted more than 10 business days prior*  
11 *to the fixed date for the public opening of sealed bids. The district*  
12 *may also require the prequalification more than five business days*  
13 *prior to the fixed date.*

14 (g) (1) The board of the district may establish a process for  
15 prequalifying prospective bidders pursuant to this section on a  
16 quarterly or annual basis and a prequalification pursuant to this  
17 process shall be valid for one calendar year following the date of  
18 initial prequalification.

19 (2) *The board shall establish a process to prequalify a person,*  
20 *firm, or corporation, including, but not limited to, the prime*  
21 *contractor and, if used, an electrical, mechanical, and plumbing*  
22 *subcontractor, to construct a building described in Section 17406*  
23 *or 17407 of the Education Code on a quarterly or annual basis.*  
24 *A prequalification pursuant to this process shall be valid for one*  
25 *calendar year following the date of initial prequalification.*

26 (h) This section shall not preclude the governing board of the  
27 district from prequalifying or disqualifying a subcontractor of any  
28 specialty classification described in Section 7058 of the Business  
29 and Professions Code.

30 (i) For purposes of this section, bidders shall include ~~the general~~  
31 ~~contractor and, if utilized, all electrical, mechanical, and plumbing~~  
32 ~~subcontractors; both of the following:~~

33 (1) *A prime contractor, as defined in Section 4113, that is either*  
34 *of the following:*

35 (A) *A general engineering contractor described in Section 7056*  
36 *of the Business and Professions Code.*

37 (B) *A general building contractor described in Section 7057 of*  
38 *the Business and Professions Code.*



1 (2) *If utilized, each electrical, mechanical, and plumbing*  
2 *contractor, whether as a prime contractor or as a subcontractor,*  
3 *as defined in Section 4113.*

4 (j) *If a public project covered by this section includes electrical,*  
5 *mechanical, or plumbing components that will be performed by*  
6 *electrical, mechanical, or plumbing contractors, a list of*  
7 *prequalified general contractors and electrical, mechanical, and*  
8 *plumbing subcontractors shall be made available by the school*  
9 *district to all bidders at least five business days prior to the dates*  
10 *fixed for the public opening of sealed bids. The district may require*  
11 *the list to be made available more than five business days prior to*  
12 *the fixed dates for the public opening of sealed bids.*

13 (k) For purposes of this section, electrical, mechanical, and  
14 plumbing subcontractors are contractors licensed pursuant to  
15 Section 7058 of the Business and Professions Code, specifically  
16 contractors holding C-4, C-7, C-10, C-16, C-20, C-34, C-36, C-38,  
17 C-42, C-43, and C-46 licenses, pursuant to regulations of the  
18 Contractors' State License Board.

19 (l) *This section shall not apply to a school district with an*  
20 *average daily attendance of less than 2,500.*

21 (m) (1) *This section shall apply only to contracts awarded on*  
22 *or after January 1, 2014.*

23 (2) The amendments made to this section by the act adding this  
24 paragraph shall apply only to contracts awarded on or after January  
25 1, 2015.

26 (n) (1) On or before January 1, 2018, the Director of Industrial  
27 Relations shall (A) submit a report to the Legislature evaluating  
28 whether, during the years this section has applied to contracts,  
29 violations of the Labor Code on school district projects have  
30 decreased as compared to the same number of years immediately  
31 preceding the enactment of this section, and (B) recommend  
32 improvements to the system for prequalifying contractors and  
33 subcontractors on school district projects.

34 (2) A report to be submitted pursuant to this subdivision shall  
35 be submitted in compliance with Section 9795 of the Government  
36 Code.

37 (o) *This section shall become inoperative on January 1, 2019,*  
38 *and, as of July 1, 2019, is repealed.*

1     ~~SEC. 4:~~

2     *SEC. 6.* No reimbursement is required by this act pursuant to  
3 Section 6 of Article XIII B of the California Constitution for certain  
4 costs that may be incurred by a local agency or school district  
5 because, in that regard, this act creates a new crime or infraction,  
6 eliminates a crime or infraction, or changes the penalty for a crime  
7 or infraction, within the meaning of Section 17556 of the  
8 Government Code, or changes the definition of a crime within the  
9 meaning of Section 6 of Article XIII B of the California  
10 Constitution.

11     However, if the Commission on State Mandates determines that  
12 this act contains other costs mandated by the state, reimbursement  
13 to local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.