

**Introduced by Senator Oller**

February 22, 2002

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An act to amend Section 20128 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1905, as introduced, Oller. Public contracts: lowest responsible bidder.

Existing law requires public entities to comply with certain procedures in soliciting and evaluating bids and awarding contracts for the erection, construction, alteration, repair, or improvement of any public structure, building, road, or other public improvement. Under existing law a public entity is generally required to award the contract to the lowest responsible bidder.

This bill would specify that a county may consider a bidder's experience, past performance, and the quality of the work performed by that bidder in determining whether that bidder is the lowest responsible bidder to whom the contract should be awarded.

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

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

- 1 SECTION 1. Section 20128 of the Public Contract Code is
- 2 amended to read:
- 3 20128. (a) The board shall award the contract to the lowest
- 4 responsible bidder, and the person to whom the contract is awarded
- 5 shall perform the work in accordance with the plans,

1 specifications, strain sheets, and working details, unless the  
2 contract is modified by a four-fifths vote of the board.

3 *(b) Notwithstanding any other provision of law, the board may*  
4 *consider a bidder's experience, past performance, and the quality*  
5 *of the work performed by that bidder, in determining whether that*  
6 *bidder is the lowest responsible bidder to whom the contract*  
7 *should be awarded.*

