

AMENDED IN ASSEMBLY APRIL 25, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 457

Introduced by Assembly Member Wagner

February 15, 2011

An act to add Section 5111 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 457, as amended, Wagner. Public works contracts: relief for bidders.

Existing law sets forth the procedures governing the bidding, awarding, and payment of public works contracts by public entities, and the relief due bidders and contractors under those contracts.

This bill would entitle a bidder who successfully challenges the award of a contract determined to be invalid due to errors or omissions of the public entity to recover costs and attorney's fees incurred in pursuing the challenge *and would allow attorney's fees and costs to be awarded to the public entity under specified circumstances.*

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. Section 5111 is added to the Public Contract
- 2 Code, to read:
- 3 5111. (a) If a contract is entered into under Section 5110
- 4 pending final decision on a challenge to the intended or actual
- 5 award of the contract, and if the contract is later determined to be

1 invalid due to errors or omissions of the public entity, a bidder
2 who successfully challenges the intended or actual award of that
3 contract shall be entitled to recover costs and attorney's fees
4 incurred in pursuing that challenge.

5 *(b) If the court finds that the challenge was clearly frivolous,*
6 *clearly vexatious, or brought solely for purposes of harassment,*
7 *it may award reasonable attorney's fees and costs to the public*
8 *entity.*