

AMENDED IN SENATE MAY 6, 2013  
AMENDED IN ASSEMBLY APRIL 4, 2013  
AMENDED IN ASSEMBLY MARCH 19, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 44**

---

---

**Introduced by Assembly Member Buchanan**  
*(Principal coauthor: Assembly Member Linder)*  
*(Coauthor: Assembly Member Frazier)*

December 18, 2012

---

---

An act to amend, *repeal, and add* Section 4104 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 44, as amended, Buchanan. Subletting and Subcontracting Fair Practices Act: bidding practices.

The Subletting and Subcontracting Fair Practices Act requires the entity taking bids for the construction of any public work or improvement to specify that any person making a bid or offer to perform the work shall, in his or her bid or offer, include specified information, including the name and location of the place of business of each subcontractor who will perform work or labor or render service to the prime contractor in or about the work or improvement.

~~This bill would require specifications or conditions, under which bids will be received, issued on and after July 1, 2014, by any officer, department, board, or commission, for the construction of any public work or improvement to require any person making a bid or offer to perform the work to set forth the California contractor license number of each subcontractor who will perform work or labor or render services~~

~~to the prime contractor in his or her bid or offer.~~ *would, commencing July 1, 2014, require that the California contractor license number of each subcontractor also be provided.*

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 4104 of the Public Contract Code is  
2     amended to read:

3     4104. Any officer, department, board, or commission taking  
4     bids for the construction of any public work or improvement shall  
5     provide in the specifications prepared for the work or improvement  
6     or in the general conditions under which bids will be received for  
7     the doing of the work incident to the public work or improvement  
8     that any person making a bid or offer to perform the work, shall,  
9     in his or her bid or offer, set forth:

10    (a) (1) The name and the location of the place of business of  
11    each subcontractor who will perform work or labor or render  
12    service to the prime contractor in or about the construction of the  
13    work or improvement, or a subcontractor licensed by the State of  
14    California who, under subcontract to the prime contractor, specially  
15    fabricates and installs a portion of the work or improvement  
16    according to detailed drawings contained in the plans and  
17    specifications, in an amount in excess of one-half of 1 percent of  
18    the prime contractor’s total bid or, in the case of bids or offers for  
19    the construction of streets or highways, including bridges, in excess  
20    of one-half of 1 percent of the prime contractor’s total bid or ten  
21    thousand dollars (\$10,000), whichever is greater.

22    (2) (A) Subject to subparagraph (B), any information requested  
23    by the officer, department, board, or commission concerning any  
24    subcontractor who the prime contractor is required to list under  
25    this subdivision, other than the subcontractor’s name and location  
26    of business, may be submitted by the prime contractor up to 24  
27    hours after the deadline established by the officer, department,  
28    board, or commission for receipt of bids by prime contractors.

29    (B) A state or local agency may implement subparagraph (A)  
30    at its option.

31    (b) The portion of the work that will be done by each  
32    subcontractor under this act. The prime contractor shall list only

1 one subcontractor for each portion as is defined by the prime  
2 contractor in his or her bid.

3 (c) *This section shall become inoperative on July 1, 2014, and,*  
4 *as of January 1, 2015, is repealed.*

5 SEC. 2. *Section 4104 is added to the Public Contract Code, to*  
6 *read:*

7 4104. *Any officer, department, board, or commission taking*  
8 *bids for the construction of any public work or improvement shall*  
9 *provide in the specifications prepared for the work or improvement*  
10 *or in the general conditions under which bids will be received for*  
11 *the doing of the work incident to the public work or improvement*  
12 *that any person making a bid or offer to perform the work, shall,*  
13 *in his or her bid or offer, set forth:*

14 (a) (1) *The name, the location of the place of business, and the*  
15 *California contractor license number of each subcontractor who*  
16 *will perform work or labor or render service to the prime*  
17 *contractor in or about the construction of the work or improvement,*  
18 *or a subcontractor licensed by the State of California who, under*  
19 *subcontract to the prime contractor, specially fabricates and*  
20 *installs a portion of the work or improvement according to detailed*  
21 *drawings contained in the plans and specifications, in an amount*  
22 *in excess of one-half of 1 percent of the prime contractor's total*  
23 *bid or, in the case of bids or offers for the construction of streets*  
24 *or highways, including bridges, in excess of one-half of 1 percent*  
25 *of the prime contractor's total bid or ten thousand dollars*  
26 *(\$10,000), whichever is greater.*

27 (2) (A) *Subject to subparagraph (B), any information requested*  
28 *by the officer, department, board, or commission concerning any*  
29 *subcontractor who the prime contractor is required to list under*  
30 *this subdivision, other than the subcontractor's name, location of*  
31 *business, and California contractor license number, may be*  
32 *submitted by the prime contractor up to 24 hours after the deadline*  
33 *established by the officer, department, board, or commission for*  
34 *receipt of bids by prime contractors.*

35 (B) *A state or local agency may implement subparagraph (A)*  
36 *at its option.*

37 (b) *The portion of the work that will be done by each*  
38 *subcontractor under this act. The prime contractor shall list only*  
39 *one subcontractor for each portion as is defined by the prime*  
40 *contractor in his or her bid.*

1     (c) *This section shall become operative on July 1, 2014.*

2     SECTION 1. ~~Section 4104 of the Public Contract Code is~~  
3 ~~amended to read:~~

4     4104. (a) ~~Any officer, department, board, or commission taking~~  
5 ~~bids for the construction of any public work or improvement shall~~  
6 ~~provide in the specifications prepared for the work or improvement~~  
7 ~~or in the general conditions under which bids will be received for~~  
8 ~~the doing of the work incident to the public work or improvement~~  
9 ~~that any person making a bid or offer to perform the work, shall,~~  
10 ~~in his or her bid or offer, set forth the name and the location of the~~  
11 ~~place of business of each subcontractor who will perform work or~~  
12 ~~labor or render service to the prime contractor in or about the~~  
13 ~~construction of the work or improvement, or a subcontractor~~  
14 ~~licensed by the State of California who, under subcontract to the~~  
15 ~~prime contractor, specially fabricates and installs a portion of the~~  
16 ~~work or improvement according to detailed drawings contained~~  
17 ~~in the plans and specifications, in an amount in excess of one-half~~  
18 ~~of 1 percent of the prime contractor's total bid or, in the case of~~  
19 ~~bids or offers for the construction of streets or highways, including~~  
20 ~~bridges, in excess of one-half of 1 percent of the prime contractor's~~  
21 ~~total bid or ten thousand dollars (\$10,000), whichever is greater.~~  
22 ~~He or she shall also set forth the portion of the work that will be~~  
23 ~~done by each subcontractor. The prime subcontractor shall list~~  
24 ~~only one subcontractor for each portion as is defined by the prime~~  
25 ~~contractor in his or her bid.~~

26     (b) ~~Specifications or conditions, under which bids will be~~  
27 ~~received, issued on and after July 1, 2014, by any officer,~~  
28 ~~department, board, or commission, for the construction of any~~  
29 ~~public work or improvement shall require any person making a~~  
30 ~~bid or offer to perform the work to set forth the California~~  
31 ~~contractor licence number of each subcontractor who will perform~~  
32 ~~work or labor or render services to the prime contractor in or about~~  
33 ~~the construction of the work or improvement in his or her bid or~~  
34 ~~offer.~~

35     (c) ~~(1) Subject to paragraph (2), any information requested by~~  
36 ~~the officer, department, board, or commission concerning any~~  
37 ~~subcontractor who the prime contractor is required to list under~~  
38 ~~this section, other than the subcontractor's name, location of~~  
39 ~~business, and California contractor license number, may be~~  
40 ~~submitted by the prime contractor up to 24 hours after the deadline~~

- 1 established by the officer, department, board, or commission for
- 2 receipt of bids by prime contractors.
- 3 (2) A state or local agency may implement paragraph (1) at its
- 4 option.