

PROPOSED LANGUAGE FOR BUSINESS & PROFESSIONS CODE SECTION 7059

Revised Language:

OPTION #1

(b) In public works contracts, as defined in Section 1101 of the Public Contract Code, the awarding authority shall determine the license classification necessary to permit a contractor to bid and perform the project in any license classification that he or she is authorized to perform under this Chapter and by the Contractors State License Board. In no case shall the awarding authority award a prime contract to a specialty contractor whose classification constitutes less than a majority of the project. When a specialty contractor is authorized to bid a project, all work to be performed outside of his or her license specialty, except work authorized by subdivision (a), shall be performed by a licensed subcontractor in compliance with the Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code). Notwithstanding the awarding authority's decision to permit a contractor to bid and perform a project, any contractor acting in the capacity of a contractor in a classification other than that currently held by the licensee constitutes a cause for disciplinary action.

OPTION #2

(b) In public works contracts, as defined in Section 1101 of the Public Contract Code, the awarding authority shall determine identify the license classification necessary to permit a contractor to bid and perform the project in any classification that he or she is authorized to perform under this Chapter and by the Contractors State License Board. In no case shall the awarding authority award a prime contract to a specialty contractor whose classification constitutes less than a majority of the project. When a specialty contractor is authorized to bid a project, all work to be performed outside of his or her license specialty, except work authorized by subdivision (a), shall be performed by a licensed subcontractor in compliance with the Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code). Notwithstanding the awarding authority's decision to permit a contractor to bid and perform a project, any contractor acting in the capacity of a contractor in a classification other than that currently held by the licensee constitutes a cause for disciplinary action.

(Language Approved at December Board meeting) Modify B&P Code section 7059 :

(b) In public works contracts, as defined in Section 1101 of the Public Contract Code, the awarding authority shall determine the license classification necessary to permit a contractor to bid and perform the project in any classification that is

permitted under this Chapter and by the Contractors State License Board. In no case shall the awarding authority award a prime contract to a specialty contractor whose classification constitutes less than a majority of the project. When a specialty contractor is authorized to bid a project, all work to be performed outside of his or her license specialty, except work authorized by subdivision (a), shall be performed by a licensed subcontractor in compliance with the Subletting and Subcontracting Fair Practices Act (Chapter 4 (commencing with Section 4100) of Part 1 of Division 2 of the Public Contract Code). Notwithstanding the awarding authority's decision to permit a contractor to bid and perform a project, any contractor acting in the capacity of a contractor in a classification other than that currently held by the licensee constitutes a cause for disciplinary action.