

# EXHIBIT G

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COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT  
JOSEPH A. LANE, CLERK

DIVISION: 6

Monteleone & Mccrory  
Philip C Putnam  
725 S. Figueroa St.,  
Suite 3750  
Los Angeles, CA. 90017 5402

B093103

RE: Taft Electric Company  
VS.  
San Buenaventura, City of

2 Civil B093103  
Ventura No. 152704

NOT TO BE PUBLISHED

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

TAFT ELECTRIC COMPANY,

Plaintiff and Appellant,

v.

CITY OF SAN BUENAVENTURA, a  
public entity; and CAMERON JAMES  
WEBSTER, dba CAMERON WEBSTER  
CONSTRUCTION,

Defendants and Respondents.

2d Civil No. B093103  
(Super. Ct. No. 152704)  
(Ventura County)

COURT OF APPEAL - SECOND DIST.

**FILED**

MAY 18 1996

JOSEPH A. LANE, Clerk  
Deputy Clerk

The trial court denied Taft Electric Company's (Taft) petition for writ of mandate to prevent City of San Buenaventura (City) from awarding to Cameron Webster Construction (Webster) a contract to install and connect traffic signal lights (the project). Taft argues the trial court erred in finding that the City was not required to invite electrical specialty contractors to bid on the project and in finding that Webster was qualified to perform it. We affirm because the trial court's findings are supported by substantial evidence.

### *Facts*

In December 1994, City advertised for competitive bids on the project. The notice inviting bids specified that only persons holding a Class A general engineering contractor's license or a Class C-13 paving specialty contractor's license could submit bids. Class C-10 electrical specialty contractors were not invited to bid. Three contractors submitted bids: Taft, which holds both Class A and Class C-10 licenses, Webster, which holds a Class-A license, and a third contractor who holds only a Class C-10 license. The bid submitted by Webster was \$831 lower than the next lowest bid, submitted by Taft. City announced it would award the contract to Webster.

Taft protested the award on the ground that Webster was not qualified to perform the project because it did not have a Class C-10 license and had not listed Class C-10 subcontractor in its bid. In response, City asked the California Contractor's State Licensing Board (Board) to determine which license classifications were qualified to perform the project. The Board determined that the project could be performed by Class A or Class C-10 contractors. City informed Taft that its protest was rejected and that the contract would be awarded to Webster. Taft filed this action for a writ of mandate, injunction and declaratory judgment nearly three weeks later.

### *The Trial Court's Findings*

After reviewing declarations and memoranda submitted by the parties, the trial court rejected Taft's argument that the City was obligated to allow Class C-10 contractors to bid on the project. Similarly, it rejected Taft's argument that

Webster was unqualified. The trial court found instead that Webster was qualified because the electrical work involved in the project was "incidental" to other required work. In addition, it found the City was not required to invite bids from Class C-10 contractors because there was "insufficient evidence showing that [a Class C-10 contractor] could have bid on the project." Accordingly, the trial court denied the writ of mandate and injunction sought by Taft and sustained without leave to amend respondents' demurrer to Taft's claim for declaratory relief.

These findings were later modified in response to Taft's motion for new trial. In its order denying that motion, the trial court acknowledged that the exception for "incidental" work applies only to specialty contractors. (Bus. & Prof. Code, § 7059, subd. (a)<sup>1</sup>.) Its modified finding was that Webster could perform the project because the project fell within the scope of a Class A contractor's license under section 7056.

#### *Standard of Review*

We independently review questions of law, including the trial court's interpretation of statutes and administrative regulations. (*Home Depot, U.S.A., Inc. v. Contractors' State License Board* (1996) 41 Cal.App.4th 1592, 1599.) The trial court's findings of fact are reviewed under the substantial evidence standard. (*Sanchez v. Unemployment Ins. Appeals Bd.* (1984) 36 Cal.3d 575, 585; *Baker v. Aubry* (1989) 216

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<sup>1</sup> All statutory references are to this code unless otherwise stated.

Cal.App.3d 1259, 1262.) We view all factual matters and draw all reasonable inferences in the light most favorable to respondents and in support of the judgment. We may not reweigh the evidence, judge credibility or resolve conflicts in the evidence. (*Kuhn v. Department of Social Services* (1994) 22 Cal.App.4th 1627, 1632-1633; *Cardenas v. Mission Industries* (1991) 226 Cal.App.3d 952, 958.)

#### *Controlling Statutes*

A person holding a Class-A, general engineering contractor's license "is a contractor whose principal contracting business is in connection with fixed works requiring specialized engineering knowledge and skill, including . . . highways, streets and roads, . . . power plants and other utility plants and installations, . . . [and] paving and surfacing work . . . in connection with the above mentioned fixed works." (§ 7056.) A person holding a "Class-C" license is a "specialty contractor" who is authorized to perform only a specific building trade or craft. (§ 7058, subd. (a).) A Class C-10 contractor, for example, "places, installs, erects or connects any electrical wires, fixtures, appliances, apparatus, . . . [or] conduits . . . which generate, transmit, transform or utilize electrical energy in any form or for any purpose." (16 Cal. Code Regs. § 832-10.)

In public works projects, the public entity awarding the contract must "determine the license classification necessary to bid and perform the project." (§ 7059, subd. (b); see also Pub. Contracts Code, § 3300, subd. (a).) The public entity may not award a prime contract to a specialty contractor (e.g., a Class C contractor) "whose classification constitutes

less than a majority of the project[,]" unless the work outside the contractor's classification is "incidental and supplemental" to work falling within the contractor's classification. (§ 7059, subd. (a).) All other work which is outside the specialty contractor's classification must be performed by a licensed subcontractor. (§ 7059, subd. (b).)

An unlicensed contractor may not bid on a public works project. (§ 7028.15, subd. (a).) The public entity offering the contract must consider non-responsive any bid that is submitted by a contractor who is not licensed to perform the project or who has not listed a licensed subcontractor. Such bids may not be accepted by the public entity. (§ 7028.15, subd. (e).)

#### *Discussion*

Taft argues that the trial court erred when it found the City was not required to allow Class C-10 contractors to bid on the project. According to Taft, the City's failure to invite bids from Class C-10 contractors violated section 7059, subdivision (a) because 70 percent of the work involved in the project was electrical work. Taft also claims the trial court improperly disregarded the Board's determination that a Class C-10 contractor was qualified to perform the project.

The trial court's finding was supported by substantial evidence. First, the City submitted evidence that only 20 percent of the work involved in the project fell within the Class C-10 classification. There was also evidence that "electrical work" accounted for only four percent of the entire project. The trial court was entitled to credit these declarations and disregard Taft's evidence to the contrary.

Because less than a majority of the work falls within the C-10 classification, the City could not have awarded the contract to a Class C-10 contractor. (§ 7059, subd. (a); Pub. Contracts Code, § 3300, subd. (a).) Thus, it had no obligation to allow Class C-10 contractors to bid on the project.

Nor was the trial court required to follow the Board's finding that Class C-10 contractors were qualified to bid on the project. The trial court chose to disregard this finding because it was contained in an informal letter which gave the court "no way of determining what was and was not considered by the Board." While the Board's finding was entitled to great weight, the trial court's decision to disregard it was not an abuse of discretion. (*Ron Yates Construction Co. v. Superior Court* (1986) 186 Cal.App.3d 337, 344.) The Board did not create an administrative record for the trial court's review. Its letter does not contain a finding that the City violated section 7059 by failing to invite bids from Class C-10 contractors. Finally, the letter does not indicate whether the Board was fully apprised of the issues raised in this litigation. Under these circumstances, the trial court was entitled to reach a conclusion different from that reached by the Board.

We also reject Taft's argument that City's failure to invite bids from Class C-10 contractors prevented fair competitive bidding on the project. (See, e.g., *Konica Business Machines U.S.A., Inc. v. Regents of University of California* (1988) 206 Cal.App.3d 449, 456.) Section 7059, subdivision (a) requires the City to specify which license classifications may bid on a public works contract. It does



not require the City to invite every potentially qualified classification to bid. Thus, even if Class C-10 contractors were qualified to bid, the City was not obligated to invite them to do so. It fulfilled its obligation when it invited bids from at least one qualified license classification.

Taft argues the trial court erred in ruling that a statement, purportedly made by a City employee, was inadmissible on hearsay grounds. (Evid. Code, § 1220.) The City employee allegedly told Taft's attorney that the City invited paving contractors to bid on the project by mistake and, "that the Notice Inviting Bids had been copied from another set of specifications and they probably forgot to change the classification."

Here there was no abuse of discretion. Evidence Code section 1222, subdivision (a), provides that a statement is not hearsay if it "was made by a person authorized by the party to make a statement . . . concerning the subject matter of the statement . . . ." The party offering the admission must lay a proper foundation by demonstrating that the declarant was authorized to speak on behalf of the party against whom the statement is offered. (*Rochlis v. Walt Disney Co.* (1993) 19 Cal.App.4th 201, 217.) Taft offered no such foundation. Thus, the trial court was within its discretion to find the statement inadmissible.

Taft also argues that awarding the contract to Webster violated section 7028.15 because a Class A contractor is not qualified to perform the electrical work involved in the

project.<sup>2</sup> The trial court found that the award did not violate section 7028.15 because a Class A contractor is qualified under section 7056 to perform the project. This finding is supported by substantial evidence. The City's traffic engineer opined that a traffic signal is a fixed work and that specialized engineering knowledge and skill are required to install traffic signals and connect them with an existing computerized traffic signal system. In addition, the Board agreed that a general engineering contractor was qualified to perform this work and, in a subsequent letter, specifically rejected Taft's argument that only electrical specialty contractors were qualified to do so.

The judgment is affirmed. Costs to respondents.

NOT TO BE PUBLISHED.

YEGAN, J.

We concur:

STONE, P. J.

GILBERT, J.

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<sup>2</sup> In connection with this argument, Taft urges us to take judicial notice of the Board's study guide for the Class A contractor's license examination. The request is denied. Taft improperly made the request in its opening brief rather than in a separate motion. (Cal. Rules of Court, rule 41. subd. (a).) Moreover, the study guide is irrelevant to our decision on this issue.

Ken W. Riley, Judge  
Superior Court County of Santa Barbara

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Monteleone & McCrory; Philip C. Putnam and Douglas  
Yokomizo, for Appellant.

Peter D. Bulens, City Attorney, City of San  
Buenaventura; Robert D. Curiel, Assistant City Attorney, for  
Respondents.

**EXHIBIT H**



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## Division of Apprenticeship Standards (DAS)

**Mission statement**  
 Creates opportunities for Californians to gain employable lifetime skills and provides employers with a highly skilled and experienced workforce while strengthening California's economy.

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### Feature

- [Electrician certification program](#)

### Electrician certification deadline

In 1999, the legislation passed requiring all electricians who work for a C-10 electrical contractor to be certified by the State of California. Regulations were put in place in 2002. The deadline for Residential Electricians getting this certification was January 1, 2007. The deadline for General Electricians and Fire/Life Safety Technicians was January 1, 2006. Electricians who are not certified by this time are working illegally.

For those candidate applying for Voice Data Video Technician and Non-residential Lighting Technician tests, the deadline to pass the examination and become certified is December 31, 2007. It is advisable to register well before the deadline.

[Electrician certification](#)  
[Electrician trainee](#)



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State of California  
Department of Industrial Relations  
Division of Apprenticeship Standards  
Electrician Certification Unit

By action of the California Apprenticeship Council deadlines have been automatically extended for certified electricians whose certification cards have expired. Please see the following:

Labor Code Section 3099.2 (3) - For purposes of any continuing education or recertification requirement, individuals who become certified prior to the deadline for certification shall be treated as having become certified on the first anniversary of their certification date that falls after the certification deadline.

California Certified Electricians  
as of 07/07/2007

| Certified Electrician Name | Zip   | Certificate Nbr | Expiration Date |
|----------------------------|-------|-----------------|-----------------|
| EAST, DENNIS R             | 92404 | E119512G        | 12/19/2009      |
| EAST, JAY S                | 91730 | E132237G        | 04/17/2010      |
| EAST, REGGIE B             | 93711 | E113833G        | 04/27/2009      |
| EAST-BRATT, MOSE J         | 94090 | E103268G        | 04/23/2009      |
| EASTBY, LANCE              | 93728 | E100302G        | 05/22/2009      |
| EASTBY, LANE               | 93722 | E108069G        | 08/11/2009      |
| EASTER, MARSHA K           | 95758 | E104927G        | 08/28/2009      |
| EASTERWOOD, RICHARD J      | 93311 | E101216G        | 09/27/2009      |
| EASTLAND, DAVID H          | 94002 | E122559G        | 04/15/2009      |
| EASTLAND, ROBERT C         | 95662 | E129919G        | 01/02/2010      |
| EASTON, CLINT A            | 93309 | E130395G        | 01/19/2010      |
| EASTON, JAMES W            | 92853 | E129884G        | 12/30/2009      |
| EATMON, FRANK D            | 90059 | E122303G        | 04/07/2009      |
| EATMON III, CLIFFORD W     | 93308 | E103181G        | 04/19/2009      |
| EATON, BILL F              | 94558 | E107126G        | 09/11/2009      |
| EATON, CHRISTOPHER T       | 92103 | E104638G        | 08/16/2009      |
| EATON, DARREN M            | 95370 | E112293G        | 03/04/2009      |
| EATON, DAVID G             | 91205 | E125292G        | 06/14/2009      |
| EATON, MICHAEL E           | 95148 | E103457G        | 05/03/2009      |
| EAV, ANG                   | 92114 | E132343G        | 04/23/2010      |
| EAVES, DAVID L             | 94063 | E120533G        | 02/17/2009      |
| EAVES, ROBERT W            | 93705 | E122589G        | 04/17/2009      |
| EAVEY, CHARLES R           | 95123 | E131721G        | 03/21/2010      |
| EAYES, DANIEL L            | 79938 | E123262G        | 05/02/2009      |
| EBAD, ARASH                | 92117 | E108164G        | 10/06/2009      |
| EBEL, SILVER               | 94591 | E122838G        | 04/24/2009      |
| EBELL, MARK D              | 93016 | E132543G        | 05/03/2010      |
| EBERSOLE, GERALD D         | 94507 | E108665G        | 10/20/2009      |
| EBERT, CASEY P             | 92865 | E112721G        | 03/23/2009      |
| EBERT, PATRICK K           | 94525 | E109061G        | 10/29/2009      |
| EBERT, STEPHEN D           | 94089 | E115105G        | 08/01/2009      |
| EBRECHT, DOUGLAS W         | 95683 | E102803G        | 03/27/2009      |
| EBRECHT, MICHAEL D         | 92845 | E105987G        | 08/07/2009      |
| EBY, LONNIE M              | 92509 | E121854G        | 03/31/2009      |
| ECCHER, JOSEPH A           | 91935 | E116220F        | 07/11/2009      |
| ECCLES, JAMES R            | 93444 | E132144G        | 04/13/2010      |
| ECCLESTON, JUSTIN W        | 93308 | E123901G        | 05/15/2009      |
| ECHAVE, MICHAEL K          | 92688 | E104665G        | 08/24/2009      |
| ECHEVARRIA, MIGUEL A       | 95691 | E117898G        | 10/29/2009      |
| ECHEVARRIA JR, DANIEL      | 93955 | E110591F        | 12/11/2009      |
| ECHEVERRI, OMAR            | 90232 | E108538G        | 10/18/2009      |

State of California  
Department of Industrial Relations  
Division of Apprenticeship Standards  
Electrician Certification Unit

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California Certified Electricians  
as of 07/07/2007

| Certified Electrician Name | Zip   | Certificate Nbr | Expiration Date |
|----------------------------|-------|-----------------|-----------------|
| HERNANDEZ , JOSHUA P       | 93561 | E133253G        | 08/15/2010      |
| HERNANDEZ , JOSHUA         | 94928 | E109028G        | 10/28/2009      |
| HERNANDEZ , JUAN C         | 90806 | E113705G        | 04/22/2009      |
| HERNANDEZ , LARRY J        | 92505 | E123288F        | 05/03/2009      |
| HERNANDEZ , LEON           | 90805 | E116208G        | 07/08/2009      |
| HERNANDEZ , LESLIE F       | 92407 | E128711G        | 12/29/2009      |
| HERNANDEZ , LORENZO V      | 92114 | E113254G        | 03/15/2009      |
| HERNANDEZ , LUIS F         | 90280 | E126803G        | 09/28/2009      |
| HERNANDEZ , LUIS M         | 92113 | E132901F        | 05/23/2010      |
| HERNANDEZ , LUIS           | 92236 | E117748R        | 10/22/2009      |
| HERNANDEZ , MANUEL         | 95116 | E127987G        | 11/21/2009      |
| HERNANDEZ , MARCOS N       | 90044 | E128328G        | 12/05/2009      |
| HERNANDEZ , MARIO F        | 91724 | E127334G        | 10/20/2009      |
| HERNANDEZ , MARIO T        | 93705 | E127979G        | 11/21/2008      |
| HERNANDEZ , MARK I         | 93010 | E114010G        | 05/02/2009      |
| HERNANDEZ , MICHAEL A      | 91762 | E132890G        | 05/22/2010      |
| HERNANDEZ , MICHAEL A      | 94520 | E117132G        | 09/10/2009      |
| HERNANDEZ , MICHAEL J      | 90731 | E117248G        | 09/18/2009      |
| HERNANDEZ , MILTON         | 90242 | E104768G        | 08/21/2009      |
| HERNANDEZ , NICOLAS        | 92083 | E111042G        | 12/23/2009      |
| HERNANDEZ , OMAR E         | 90044 | E122004G        | 04/01/2009      |
| HERNANDEZ , ORLANDO M      | 93703 | E109693G        | 11/13/2009      |
| HERNANDEZ , ORLANDO        | 90220 | E124924F        | 06/05/2009      |
| HERNANDEZ , RALPH R        | 92130 | E128264G        | 12/04/2009      |
| HERNANDEZ , RAMON C        | 90731 | E125688G        | 08/09/2009      |
| HERNANDEZ , RAMON          | 92870 | E123548R        | 05/08/2009      |
| HERNANDEZ , RAUL G         | 93033 | E125378G        | 08/18/2009      |
| HERNANDEZ , RAUL           | 95401 | E108964G        | 10/26/2009      |
| HERNANDEZ , RICARDO        | 93263 | E114027G        | 05/02/2009      |
| HERNANDEZ , RICHARD J      | 92705 | E116215G        | 07/09/2009      |
| HERNANDEZ , RICK G         | 95838 | E128143G        | 12/01/2009      |
| HERNANDEZ , ROBERT J       | 95116 | E122866G        | 04/18/2009      |
| HERNANDEZ , ROBERT M       | 93111 | E119247G        | 12/13/2009      |
| HERNANDEZ , ROBERT R       | 92395 | E131816G        | 03/18/2010      |
| HERNANDEZ , ROBERT T       | 92021 | E121202G        | 03/11/2009      |
| HERNANDEZ , ROBERTO A      | 91103 | E131267G        | 02/27/2010      |
| HERNANDEZ , RUBEN A        | 95122 | E122095G        | 04/04/2009      |
| HERNANDEZ , SABRINA D      | 94112 | E128935G        | 12/18/2009      |
| HERNANDEZ , SALVADOR       | 90660 | E104697G        | 06/18/2009      |
| HERNANDEZ , SAMUEL         | 91942 | E122453G        | 04/13/2009      |
| HERNANDEZ , SERGIO         | 92709 | E105440G        | 07/19/2009      |

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**State of California  
Department of Industrial Relations  
Division of Apprenticeship Standards  
Electrician Certification Unit**

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**California Certified Electricians  
as of 07/07/2007**

| Certified Electrician Name | Zip   | Certificate Nbr | Expiration Date |
|----------------------------|-------|-----------------|-----------------|
| TRIVERS , JASON A          | 95380 | E114421G        | 05/12/2009      |
| TRIVERS , REESE T          | 90804 | E114385G        | 05/11/2009      |
| TRAVIS , DAVID L           | 90804 | E130588F        | 01/28/2010      |
| TRAVIS , JEFFERY D         | 95336 | E112532G        | 03/15/2009      |
| TRAVIS , JOHN B            | 95128 | E131868G        | 03/19/2010      |
| TRAVIS , LAMAR             | 94623 | E109587G        | 11/11/2009      |
| TRAVIS , RONALD C          | 94552 | E108894G        | 08/30/2009      |
| TRAWEEK , VOEL D           | 92821 | E110143G        | 11/29/2009      |
| TRAWICK , GREGORY L        | 90278 | E121744G        | 03/24/2009      |
| TRAYLOR , SEAN M           | 95240 | E101938G        | 01/05/2009      |
| TRAYNOR , BRIEN M          | 94588 | E119077G        | 12/12/2009      |
| TRAYNOR , JOHN             | 94545 | E110159G        | 11/30/2009      |
| TREAT , LARRY F            | 96021 | E113394G        | 04/16/2009      |
| TREBINO , RICHARD D        | 94553 | E114722G        | 06/20/2009      |
| TRECARTIN , ROBERT E       | 92883 | E121015G        | 03/08/2009      |
| TREDER , JON W             | 93453 | E108410G        | 10/14/2009      |
| TREDOWSKI , JOZEF          | 94122 | E110579G        | 12/11/2009      |
| TREFREY , DAVID R          | 91107 | E117280G        | 09/21/2009      |
| TREFZ , GEORGE C           | 94614 | E115828G        | 08/17/2009      |
| TREFZ , GEORGE C           | 94514 | E112574F        | 03/17/2009      |
| TREJO III, ANDRES          | 90801 | E108009F        | 10/01/2009      |
| TREJO JR, RICHARD          | 93727 | E112014G        | 02/18/2009      |
| TREJO , DIEGO              | 92114 | E122560G        | 04/18/2009      |
| TREJO , RUDY P             | 92803 | E126876G        | 09/28/2009      |
| TREMAINE , JOSEPH N        | 94828 | E128728G        | 12/14/2009      |
| TREMAINE , NEIL D          | 92860 | E108720G        | 11/15/2009      |
| TRENKLE , WILLIAM H        | 92118 | E113860G        | 04/22/2009      |
| TRENT , LON D              | 93710 | E125590F        | 06/28/2009      |
| TRENT , MICHAEL J          | 94588 | E113158G        | 04/08/2009      |
| TRENT , ROBERT J           | 94596 | E110878G        | 12/21/2009      |
| TRENT , ROY A              | 95610 | E109424G        | 11/08/2009      |
| TRENT , SHERRI L           | 95881 | E116879G        | 08/05/2009      |
| TREPHAN , DAVE A           | 91362 | E118157G        | 07/07/2009      |
| TRESCOTT , FRANK P         | 94087 | E122418G        | 04/11/2009      |
| TRESCOTT , REBECCA A       | 93930 | E113739G        | 04/25/2009      |
| TRESSLER , JAYA D          | 95082 | E116477R        | 07/26/2009      |
| TRESTER , MICHAEL S        | 93010 | E100855G        | 08/11/2009      |
| TRETTEVIK , ERIK K         | 95240 | E121210G        | 03/11/2009      |
| TREVENA , ALEX             | 95467 | E118017G        | 11/05/2009      |
| TREVINO , AARON E          | 91730 | E131512G        | 03/10/2010      |
| TREVINO . JESSE            | 92284 | E113901G        | 04/29/2009      |



# EXHIBIT I

Title 4 REVENUE AND FINANCE\*

Chapter 4.08 COMPETITIVE BIDDING AND PURCHASING

**4.08.130 Lowest and best bidder.**

In determining the lowest and best bidder, the following shall be considered, in addition to price:

- A. The quality of the material offered;
- B. The ability, capacity and skill of the bidder to perform the contract or provide the material or services;
- C. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;
- D. The sufficiency of the bidder's financial resources and the effect thereof on his ability to perform the contract or provide the material or services;
- E. The character, integrity, reputation, judgment, experience and efficiency of the bidder;
- F. The quality and timeliness of the bidder's performance on previous orders or contracts for the city;
- G. Litigation by the bidder on previous orders or contracts with the city;
- H. The ability of the bidder to provide future maintenance and service where such maintenance and service is essential;
- I. Certification by bidder of compliance with the Equal Employment Opportunity--Non-discrimination requirements.
- J. Certification by bidder of compliance with the Pasadena living wage ordinance, where applicable. (Ord. 6899 § 2 (part), 2002; Ord. 6763 § 2, 1998; Ord. 5068 § 3.08, 1972)

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**EXHIBIT J**

Title 4 REVENUE AND FINANCE\*

Chapter 4.08 COMPETITIVE BIDDING AND PURCHASING

**4.08.131 Bidder responsibility and debarment.**

A. For the purposes of this section, bidder responsibility includes those factors listed in subsections B, D, E, F, G, I and J of Section 4.08.130.

B. Prior to any contract award, the city council may find any bidder to be nonresponsible to perform the specific contract to be awarded. The city council may do so on its own motion or on recommendation of the city manager.

C. In conjunction with any contract award or with any action on a contract, the city council may debar a contractor from bidding on future contracts by finding, upon substantial evidence, nonresponsibility which arises from any one of the following: (1) commission of fraud or a criminal offense in connection with soliciting, obtaining or preparing a public contract; (2) violation of federal or state antitrust statutes in relation to a bid on a public contract; (3) commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements or receiving stolen property; (4) commission of any other offense that indicates a lack of business integrity or business honesty; (5) present debarment by another public entity; (6) breach of a statutory or contract provision which specifies or requires debarment as a remedy; or (7) any other cause so serious it substantially affects the contractor's present responsibility.

D. Before a finding of nonresponsibility is made, and before a contract requiring competitive bidding is awarded to other than the lowest bidder, a bidder must have been notified of any evidence of its nonresponsibility, must have been afforded an opportunity to rebut such evidence and must have been permitted the opportunity to present evidence of responsibility to perform the contract. Any finding of nonresponsibility shall focus on present non-responsibility, shall be for the purpose of protecting the interests of the public and is not intended to punish a bidder.

E. A quasi judicial proceeding shall not be required for the council to take action under this section.

F. The duration of any debarment shall be the period of time the city council finds shall best protect the interests of the public but shall not exceed two years. However, in the event of a debarment for breach of a statutory or contract provision which specifies or requires debarment as a remedy, the duration shall be the period specified in said statutory or contract provision, and, if none, then as the city council finds in accord with this subsection.

G. The provisions of this section are in addition to and not in place of measures set forth as sanctions in the Pasadena living wage ordinance. (Ord. 6899 § 2 (part), 2002; Ord. 6763 § 3, 1998; Ord. 6613 § 1, 1994)

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