

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA



EXECUTIVE ORDER D-8-99
by the
Governor of the State of California

WHEREAS, the State of California has the 8th largest economy in the world, importing and exporting over \$295 billion per year, and

WHEREAS, each year California spends several billion dollars on government procurements, including imported domestic and California-made products and services; and

WHEREAS, California has a responsibility to guarantee the safety of the public and those who use its public roads, bridges, buildings and other facilities by ensuring that the integrity of the materials used in those products meets all necessary safety and quality standards; and

WHEREAS, in order to guarantee public safety, the integrity of the steel, concrete, petroleum products, asphalt, rubber products aluminum, electrical components and other construction material must meet the highest letter of specifications and provisions of federal and state public work requirements; and

WHEREAS, in some instances, non-domestic produced construction materials have been rejected on State construction contracts for failure to satisfy material specifications designed to ensure the highest quality of public works projects which, in turn, ensure public safety; and

WHEREAS, California's state and local agencies have an interest in encouraging the use of California companies as a source of materials and labor to build roads, buildings and other government facilities in this state;

NOW, THEREFORE, I, GRAY DAVIS, Governor of the State of California, by the virtue of the power vested in me by the Constitution and statute of the State of California, do hereby issue this order to become effective immediately:

1. All state agencies conducting solicitations for public works projects shall pre-qualify bidders using the highest quality standards or criteria permissible under law. These standards must ensure that contractors bidding on state projects can deliver projects that provide for the structural integrity and safety of California's roads, bridges and government buildings.

2. The Department of General Services and all contracting agencies are directed to adhere to the quality control provisions contained in existing contracts and further, to ensure that appropriate quality control provisions are included in all future contracts. These quality control provisions must provide for the integrity and safety of the work under construction and that adequate inspection procedures are in place to ensure that contractors use appropriate and specified materials. All state agencies may consult with the United States National Institute for Standards and Technology when examining current contracting practices and specifications for public works projects.
3. The Department of General Services is further directed to evaluate and make a recommendation to the Governor no later than December 31, 1999, as to whether it is necessary to expand "best value" selection practices beyond current statutory authority for greater use in state public works contracting in order to further ensure public safety.
4. The Department of General Services is directed to evaluate and make a recommendation to the Governor as to whether to consider legislation that would grant California-based bidders the same preference over bidders from other states to the extent that such states award preferences to persons or companies from their states over California-based bidders.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 29th day of September 1999.

Governor of California

ATTEST:

Secretary of State