

## **Fact Sheet**

### **Assembly Bill 626: Continuity of Services**

*Inappropriate Application to Consultants is Limiting Public Access to the Most Qualified Professional Engineering, Surveying and Architectural Services*

#### **Quick Summary**

Public agencies are experiencing an alarming contracting issue when seeking to partner with private engineering and architectural firms on infrastructure projects: Consultants are increasingly – and inappropriately – being subjected to the terms of California Government Code Section 1090 and precluded from participating in subsequent phases of work if they had any involvement in an earlier phase.

#### **Background**

California statute prohibits elected officers, public officials, and public employees from being “financially interested in any contract made by them in their official capacity” (Government Code § 1090). Unfortunately, private sector engineering and architectural professionals have been drawn into this regulatory net.

#### **Problem**

Procurement laws for design professional services (Government Code § 4525 et seq.) dictate that any project affecting infrastructure in California must be designed, overseen, and inspected by the most qualified and competent professionals available. Precluding specific professionals from working on successive phases of a project can force consultants to choose to withhold proposals for early phases of work, resulting in chances that the best solutions or

design for a project will be unavailable during the critical early phases of project development.

Design professionals are bound by their license to high ethical standards. The public interest is not served when the pool of qualified consultants who may propose during any stage is limited by overly broad application of regulation intended to protect against corrupt public officials.

#### **Solution**

AB 626 seeks to ensure that all phases of all public works projects are delivered by the most qualified engineer or architect, thus delivering for California the safest and most cost-effective project.

#### **SUPPORT**

- American Council of Engineering Companies, California (co-sponsor)
- American Institute of Architects, California (co-sponsor)

#### **For More Information**

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