

INITIAL STATEMENT OF REASONS

SECTION 2600. AUTHORITY FOR RULES

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2600 references the authority under which these rules are being promulgated.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2601. SCOPE OF RULES

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2601 states when these rules and regulations shall be applicable.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

It is necessary to set forth when these rules and regulations will be applied as set forth in section 2601.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2602. DEFINITIONS

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2602 establishes definitions of terms used in these rules and regulations.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment. To understand these rules and regulations it was necessary to define certain terms.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2603. INITIATION OF DEBARMENT PROCEEDINGS

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2603 describes how the debarment proceedings will be initiated by the Department.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that proper notice is given to any contractor who may have violated Government Code section 14105 it was necessary to include Section 2603 which describes how the Department will initiate the debarment proceedings.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2604. THE REQUEST FOR A HEARING

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2604 sets forth how a contractor will request a debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an opportunity to be heard it was necessary to include Section 2603 which describes how the contractor will request a debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2605. ORDER RELATIVE TO HEARING

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2605 establishes how the Department will issue an order granting a contractor a debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an opportunity to be heard it was necessary to include Section 2605 which describes how the Department will order a debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2606. REPLY

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2606 sets forth when the Department may submit a reply to the contractor's request for a debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an opportunity to be heard it was necessary to include Section 2606 which describes when the Department will reply to the contractor's request for a debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2607. SERVICE AND FILING DOCUMENTS FOR THE RECORD

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2607 describes how documents for the hearing will be served and filed.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an opportunity for a fair hearing it was necessary to include Section 2607 which describes how the documents for the debarment hearing will be served and filed.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2608. RESPONDENT'S FAILURE TO APPEAR AT THE HEARING

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2608 describes the procedure for making the decision on the issue of debarment if the contractor fails to appear at the hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2608 which describes the procedure for making the decision on the issue of debarment if the contractor fails to appear at the hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION
THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC
IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2609. AMENDMENT OF PLEADINGS

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2609 describes how the pleadings submitted for the debarment hearing can be amended.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2609 which describes how the pleadings submitted for the debarment hearing can be amended.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2610. CONTINUANCES AND EXTENSIONS

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2610 describes how continuances and extensions will be granted in the debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2610 which describes how continuances and extensions will be granted in the debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2611. HEARINGS

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2611 describes how the hearing location will be determined.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given a fair hearing it was necessary to include Section 2611 which describes how the hearing location will be determined.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2612. APPEARANCES

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2612 describes who may attend the debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2612 which describes who may attend the debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2613. CONDUCT OF THE HEARING

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2613 describes the conduct of the debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2613 which describes the conduct of the debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2614. EVIDENCE

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2614 describes evidence rules for the debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2614 which describes the evidence rules for the debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2615. WITNESS FEES

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2615 sets forth who will pay for witness fees in the debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2615 which states who will pay for witness fees in the debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2616. TRANSCRIPT

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2616 states that the debarment hearing will be stenographically reported.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2616 which states that the debarment hearing will be stenographically reported.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2617. DECISION

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2617 describes what will be contained in the debarment decision made by the Department.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2617 which describe what will be included in the debarment decision made by the Department.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2618. COMPUTATION OF TIME

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2618 describes how time will be computed.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2618 which describes how time will be computed.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.

SECTION 2619. OFFICIAL RECORD

SPECIFIC PURPOSE OF THE REGULATION

The proposed regulation will establish the procedure to be followed by the Department for noticing and conducting a debarment hearing. Section 2619 defines what is included in the official record of the debarment hearing.

NECESSITY

The Legislature adopted Government Code section 14105 to authorize the Department to verify that all construction projects performed under its jurisdiction meet or exceed standards and specifications included in the projects. Section 14105 also prohibited contractors working on a public work contract, pursuant to section 1101 of the Public Contract Code, from willfully concealing, altering, misrepresenting, or distorting the findings of a laboratory or subcontractor that provided quality control inspection and testing services to the contractor. Finally, it required the Department to take prescribed courses of action against violators including disqualifying violators for a period of one to three years from bidding, working or being awarded public contracts that are under the jurisdiction of the Department. A fair and impartial hearing is required prior to making any determination to disqualify a violator.

These regulations are being proposed to establish how the Department will reasonably notice the violator and how the Department will conduct a fair and impartial hearing as required under Government Code section 14105.

The Department has determined that these regulations will provide the violator with reasonable notice and with a fair and impartial hearing. By setting forth these regulations, all violators will be subject to the same procedures for debarment.

To assure that a contractor who may have violated Government Code section 14105 is given an fair hearing it was necessary to include Section 2619 which describes what will be contained in the official record of the debarment hearing.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Department did not rely on any technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation.

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES.

No other alternatives were presented or considered by the Department.

REASONABLE ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.

The Department has not identified any alternatives that would lessen any adverse impact on small business.

EVIDENCE SUPPORTING FINDING NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY SMALL BUSINESS.

Since the Department must reasonably notice the violator of Government Code section 14105 and conduct fair and impartial hearing, regulations that clarify how the notice and hearing will be conducted has no significant economic impact on any violator of section 14105.