



Construction Policy Bulletin

CPB 05-1 Suspected Fraudulent Test and Inspection Reports

References: *Government Code* Section 14105
Construction Manual Section 3-6, "Control of Materials"
Section 3-7, "Legal Relations and Responsibility"
Section 3-8, "Prosecution and Progress"

Effective Date: January 1, 2005

Approved: 
for ROBERT PIEPLOW, Chief
Division of Construction

Approval Date: December 30, 2004

Background

In 2000 the California Legislature passed Assembly Bill (AB) 2275, which amended Government Code (GC) 14105, and authorized Caltrans to develop and implement rules and regulations for taking actions against parties who willfully conceal, misrepresent, or alter quality control findings.

The Legal Division is currently developing debarment process regulations, which should be in effect by December 2005, after review for the California Code of Regulations.

Existing Procedure

None.

New Procedure

The debarment process is intended for situations where there is an apparent pattern of fraudulent test or inspection reports, rather than simple variances in test results.

When fraudulent tests or inspection reports are suspected, district construction should discuss the situation with the Division of Construction field coordinator, and contact the Office of Materials Engineering and Testing Services (METS) for assistance in evaluating the reports. The district should also retest the material represented by the suspect tests, as appropriate. If after investigation, fraud is still suspected, the deputy district director provides the facts in writing to the Division of Construction field coordinator.

The Division of Construction will:

1. Review the submitted evidence and findings, and determine if the case is adequate.
2. Consult with the Legal Division to determine if the case supports possible debarment.
3. Determine the extent and status of other work being done by the suspected contractor or vendor.

If debarment is appropriate, the Division of Construction will initiate a debarment proceeding by serving a written notice upon the respondent by certified mail. Subsequent proceedings will follow adopted hearing procedures.

If a contractor were to be debarred, the Division of Construction will inform the METS and the Office of Office Engineer of the debarment, and post the names of the debarred contractors on the Internet at <http://www.dot.ca.gov/hq/construc/>, under "Debarred Contractors."

Before beginning a project, at any substitution of subcontractors, and whenever a list of subcontractors is submitted, the district should refer to the online debarment list to ensure that no debarred contractor is doing project work.

If you have questions or comments about this construction policy bulletin, please contact Larry Rouen, Office of Construction Engineering, at (916) 227-5704, or via e-mail at Larry_Rouen@dot.ca.gov.