

AMENDED IN SENATE AUGUST 30, 2005

AMENDED IN SENATE AUGUST 17, 2005

AMENDED IN ASSEMBLY MAY 26, 2005

AMENDED IN ASSEMBLY MARCH 9, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 47

Introduced by Assembly Member Cohn

December 6, 2004

An act to add *and repeal* Section 19135 to the Government Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 47, as amended, Cohn. Public contracts: Department of Corrections and Rehabilitation: medical care services.

Existing law authorizes state agencies to enter into personal services contracts if certain conditions are met.

This bill, *until January 1, 2009*, would authorize state agencies to enter into specified contracts for medical services without seeking competitive bids and would otherwise generally prohibit, except under specified circumstances, the Department of General Services from authorizing the Department of Corrections and Rehabilitation to enter into contracts for medical care services without seeking competitive bids for those contracts.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 19135 is added to the Government
2 Code, to read:

3 19135. (a) Notwithstanding any other provision of law and
4 except as provided in subdivisions (b) and (c), the Department of
5 General Services shall not authorize the Department of
6 Corrections and Rehabilitation to enter into a contract for
7 medical care services without seeking competitive bids for that
8 contract pursuant to Article 4 (commencing with Section 10335)
9 of Chapter 2 or Part 2 of Division 2 of the Public Contract Code.

10 (b) If the Department of Corrections and Rehabilitation
11 demonstrates that compliance with competitive bidding
12 procedures is not possible, the Department of General Services
13 shall authorize the Department of Corrections and Rehabilitation
14 to enter into a contract for medical care services if, at a
15 minimum, the Department of Corrections and Rehabilitation
16 conducts a market survey and prepares a price analysis that
17 demonstrates, to the satisfaction of the Department of General
18 Services, that a proposed contract for medical care services is in
19 the best interest of the state.

20 (c) Notwithstanding subdivisions (a) and (b), the following
21 contracts may be awarded without competitive bidding:

22 (1) Contracts for ambulance services, including, but not
23 limited to, 911 services, when the Department of General
24 Services determines that either of the following conditions exists:

25 (A) No competition exists because the contractor is designated
26 by a local jurisdiction as the sole provider of services within a
27 specific geographic area.

28 (B) Only one qualified bid is expected to be submitted in
29 response to competitive bidding procedures.

30 (2) Contracts for emergency hospital services provided in
31 response to emergency room transport under circumstances
32 necessitating the immediate preservation of life or limb if the
33 Department of General Services determines that both of the
34 following conditions exist:

35 (A) No competition exists because the emergency facility is
36 designated by a local emergency medical services agency as the
37 sole provider of services within a specific geographic area.

1 (B) Medical staffing decisions are made solely by the
2 emergency facility.

3 *(d) It is the intent of the Legislature to ensure that the*
4 *implementation of the provisions of this act do not generate new*
5 *state costs for the staff and services of the agencies subject to this*
6 *act. The agencies subject to this act, or other appropriate state*
7 *agencies, or their successors, shall furnish, from existing*
8 *resources, staff and services needed for the performance of their*
9 *duties as required by the act.*

10 *(e) This section shall remain in effect until January 1, 2009,*
11 *and as of that date is repealed.*

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