

ASSEMBLY BILL

No. 532

Introduced by Assembly Member Levine

February 16, 2005

An act to add Section 20118.2 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 532, as introduced, Levine. Public contracts: schools: procurement.

Existing law sets forth the requirements for competitive bidding on various types of contracts awarded by state and local agencies. Existing law authorizes a school district to contract with suppliers to obtain materials, supplies, equipment, and services, including technological supplies and equipment.

This bill would authorize a school district to utilize alternative competitive negotiation methods for procuring bids for the acquisition of specified technological supplies and equipment.

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

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

1 SECTION 1. Section 20118.2 is added to the Public Contract
2 Code, to read:
3 20118.2. (a) Due to the highly specialized and unique nature
4 of technology, telecommunications, related equipment, software,
5 and services, because products and materials of that nature are
6 undergoing rapid technological changes, and in order to allow for
7 the introduction of new technological changes into the operations

1 of the school district, it is in the public's best interest to allow a
2 school district to consider, in addition to price, factors such as
3 vendor financing, performance reliability, standardization,
4 life-cycle costs, delivery timetables, support logistics, the
5 broadest possible range of competing products and materials
6 available, fitness of purchase, manufacturer's warranties, and
7 similar factors in the award of contracts for technology,
8 telecommunications, related equipment, software, and services.

9 (b) This section applies only to a school district's procurement
10 of computers, software, telecommunications equipment,
11 microwave equipment, and other related electronic equipment
12 and apparatus. This section does not apply to contracts for
13 construction or for the procurement of any product that is
14 available in substantial quantities to the general public.

15 (c) A school district may, after a finding is made by the
16 governing board that a particular procurement qualifies under
17 subdivision (b), authorize the procurement of the product through
18 competitive negotiation as described in subdivision (d).

19 (d) For purposes of this section, competitive negotiation
20 includes, but is not limited to, all of the following requirements:

21 (1) A request for proposals shall be prepared and submitted to
22 an adequate number of qualified sources, as determined by the
23 school district, to permit reasonable competition consistent with
24 the nature and requirement of the procurement.

25 (2) Notice of the request for proposals shall be published at
26 least twice in a newspaper of general circulation, at least 10 days
27 before the date for receipt of the proposals.

28 (3) The school district shall make every effort to generate the
29 maximum feasible number of proposals from qualified sources
30 and shall make a finding to that effect before proceeding to
31 negotiate if only a single response to the request for proposals is
32 received.

33 (4) The request for proposals shall identify all significant
34 evaluation factors, including price, and their relative importance.

35 (5) The school district shall provide reasonable procedures for
36 the technical evaluation of the proposals received, the
37 identification of qualified sources, and the selection for the award
38 of the contract.

1 (6) Award shall be made to the qualified bidder whose
2 proposal will be most advantageous to the school district with
3 price and all other factors considered.

4 (7) If award is not made to the bidder whose proposal contains
5 the lowest price, the school district shall make a finding setting
6 forth the basis for the award.

7 (e) The school district, at its discretion, may reject any and all
8 proposals and request new proposals.

9 (f) Provisions in any contract concerning utilization of small
10 business enterprises, that are in accordance with the request for
11 proposals, shall not be subject to negotiation with the successful
12 proposer.

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