

AMENDED IN ASSEMBLY JUNE 21, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 327

Introduced by Senator Lowenthal

February 16, 2005

An act to amend Section 20118 of the Public Contract Code, relating to local agency contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 327, as amended, Lowenthal. Public contracts: school districts.

Existing law provides various procedures, including competitive bidding, for different types of contracts involving state and local public entities, including school districts. Existing law permits the governing board of any school district, without advertising for bids, to authorize any public corporation or agency to lease data processing equipment, and to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district, as provided.

This bill would limit the scope of the lease and purchase contracts that may be entered into by a public corporation or agency, as specified, to exclude any public project or public work, as defined.

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 20118 of the Public Contract Code is
- 2 amended to read:
- 3 20118. (a) Notwithstanding Sections 20111 and 20112, the
- 4 governing board of any school district without advertising for

1 bids, if the board has determined it to be in the best interests of
2 the district, may authorize by contract, lease, requisition, or
3 purchase order, any public corporation or agency, including any
4 county, city, town, or district, to lease data processing equipment,
5 purchase materials, supplies, equipment, automotive vehicles,
6 tractors, and other personal property, *including relocatable*
7 *classrooms*, for the district in the manner in which the public
8 corporation or agency is authorized by law to make the leases or
9 purchases. Upon receipt of any such personal property, *including*
10 *relocatable classrooms*, provided the property complies with the
11 specifications set forth in the contract, lease, requisition, or
12 purchase order, the school district may draw a warrant in favor of
13 the public corporation or agency for the amount of the approved
14 invoice, including the reasonable costs to the public corporation
15 or agency for furnishing the services incidental to the lease or
16 purchase of the personal property, *including relocatable*
17 *classrooms*.

18 (b) This section does not apply to either of the following:

19 (1) “Public projects” as defined in Section 22002.

20 (2) “Public works” as defined in Section 1720 of the Labor
21 Code.

22 ~~(e) As used in this section, both of the following definitions~~
23 ~~apply:~~

24 ~~(1) “Personal property” includes a relocatable classroom.~~

25 ~~(2) “Relocatable classroom” means any building with an~~
26 ~~integral floor structure which is capable of being readily moved~~
27 ~~and transported over public streets without the separation of the~~
28 ~~roof and floor from the building, and includes the delivery,~~
29 ~~installation, maintenance, repair, and removal thereof.~~

30 (c) *Notwithstanding subdivision (b), “relocatable classroom,”*
31 *as used in this section, means any building with an integral floor*
32 *structure which is capable of being readily moved and*
33 *transported over public streets without the separation of the roof*
34 *and floor from the building, and includes the delivery,*
35 *installation, maintenance, repair, and removal thereof.*