

AMENDED IN SENATE JANUARY 4, 2012

AMENDED IN SENATE APRIL 28, 2011

SENATE BILL

No. 118

Introduced by Senator Yee

January 20, 2011

An act to ~~amend Section 4217.16 of the Government Code~~ *add Section 12427 to the Government Code*, relating to ~~public contracts state government~~.

LEGISLATIVE COUNSEL'S DIGEST

SB 118, as amended, Yee. ~~Public contracts: energy service contracts best value.~~ *State Controller's Office: reimbursement for expenses.*

Existing law establishes the State Controller's Office and requires the Controller to, among other duties, account for scheduled expenditures and report monthly on revenue and each department's expenditures. Existing law provides for the means by which the Controller is reimbursed for actual expenses incurred in the administering or review of certain loans, assuring state general obligation bond compliance, and other related and necessary services.

This bill would require the Controller to receive reimbursement for associated expenses incurred in the accounting of expenditures related to the issuance and statewide accounting of revenue bonds. The bill would authorize the State Controller's Office to recover outstanding receivable expenses by initiating a request to transfer funds from the responsible agency for related unpaid invoices.

~~Existing law requires public agencies to adhere to competitive bidding requirements and procedures when entering into public works contracts, subject to various exceptions based on the size and cost of the project, among other factors. One exception from these bidding requirements~~

~~provides the authority for a public agency to enter into energy service contracts and related facility ground leases, as defined. Existing law authorizes a public agency, prior to awarding or entering into an agreement or lease, to request proposals from qualified persons.~~

~~This bill would instead require the public agency to publish a request for information, qualification, or proposal pursuant to a public process determined by the public agency, and would provide that the contract be awarded based on best value.~~

~~By imposing new duties on local public agencies, the bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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

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

- 1 ~~SECTION 1. Section 12427 is added to the Government Code,~~
- 2 ~~to read:~~
- 3 ~~12427. Each state agency shall reimburse the Controller for~~
- 4 ~~associated expenses incurred in the accounting of expenditures~~
- 5 ~~related to the issuance and statewide accounting of revenue bonds.~~
- 6 ~~The State Controller’s Office may recover outstanding receivable~~
- 7 ~~expenses by initiating a request to transfer funds from the~~
- 8 ~~responsible agency for related unpaid invoices.~~
- 9 ~~SECTION 1. Section 4217.16 of the Government Code is~~
- 10 ~~amended to read:~~
- 11 ~~4217.16. Prior to awarding or entering into an agreement or~~
- 12 ~~lease, the public agency shall publish a request for information,~~
- 13 ~~qualification, or proposals from qualified persons pursuant to a~~
- 14 ~~public process determined by the public agency. After evaluating~~
- 15 ~~the proposals, the public agency may award the contract that is of~~
- 16 ~~best value on the basis of the experience of the contractor, the type~~
- 17 ~~of technology employed by the contractor, the cost to the public~~
- 18 ~~agency, and any other relevant considerations. The public agency~~

1 may utilize the pool of qualified energy service companies
2 established pursuant to Section 388 of the Public Utilities Code
3 and the procedures contained in that section in awarding the
4 contract.

5 ~~SEC. 2. If the Commission on State Mandates determines that~~
6 ~~this act contains costs mandated by the state, reimbursement to~~
7 ~~local agencies and school districts for those costs shall be made~~
8 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
9 ~~4 of Title 2 of the Government Code.~~