

AMENDED IN ASSEMBLY MAY 9, 2013
AMENDED IN ASSEMBLY APRIL 24, 2013
AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 173

Introduced by Assembly Member Weber
(Principal coauthor: Senator Price)

January 24, 2013

An act to add ~~Sections 14838.60 and~~ *Section 14838.64* to the Government Code, and to add ~~Section~~ *Sections 10508.5 and 20651.2* to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 173, as amended, Weber. Postsecondary education: Small Business Procurement and Contract Act.

Existing law, the Small Business Procurement and Contract Act, permits a state agency to award a contract for goods, services, or information technology with a value of between \$5,000 and \$250,000 to a certified small business, including a microbusiness and a disabled veteran business enterprise, without complying with specified competitive bidding requirements.

Existing law establishes provisions regarding the award of contracts for goods and services applicable to the University of California, the California State University, and the California Community Colleges.

This bill would, notwithstanding those provisions, authorize the California State University and, *subject to a specified provision*, a community college district to award a contract for goods, services, or information technology with a value of between \$5,000 and \$250,000

to a certified small business, including a microbusiness and a disabled veteran business enterprise, without complying with specified competitive bidding requirements. ~~The~~

The bill would similarly authorize the University of California to award a contract for goods, services, or information technology with a value of between \$100,000 and \$250,000. The bill would declare that it is not applicable to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make it applicable, and would exempt violation of these provisions from prescribed criminal penalties.

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 14838.60 is added to the Government~~
2 ~~Code, immediately following Section 14838.5, to read:~~
3 ~~14838.60. (a) Notwithstanding any provision of law, including,~~
4 ~~but not limited to, the advertising, bidding, and protest provisions~~
5 ~~of Chapter 6 (commencing with Section 14825) of this part, and~~
6 ~~Chapter 2.1 (commencing with Section 10500) and Chapter 3~~
7 ~~(commencing with Section 12100) of Part 2 of Division 2 of the~~
8 ~~Public Contract Code, the University of California may award a~~
9 ~~contract for the acquisition of goods, services, or information~~
10 ~~technology that has an estimated value of greater than one hundred~~
11 ~~thousand dollars (\$100,000), but less than two hundred fifty~~
12 ~~thousand dollars (\$250,000), to a certified small business, including~~
13 ~~a microbusiness, or to a disabled veteran business enterprise, if~~
14 ~~the University of California obtains price quotations from two or~~
15 ~~more certified small businesses, including microbusinesses, or~~
16 ~~from two or more disabled veteran business enterprises.~~
17 ~~(b) In carrying out subdivision (a), the University of California~~
18 ~~shall consider a responsive offer timely received from a responsible~~
19 ~~certified small business, including a microbusiness, or from a~~
20 ~~disabled veteran business enterprise.~~
21 ~~(c) No provision of this section shall apply to the University of~~
22 ~~California except to the extent that the Regents of the University~~
23 ~~of California, by appropriate resolution, make that provision~~
24 ~~applicable.~~

1 ~~SEC. 2.~~

2 *SECTION 1.* Section 14838.64 is added to the Government
3 Code, to read:

4 14838.64. (a) Notwithstanding any ~~provision of~~ *other* law,
5 including, but not limited to, the advertising, bidding, and protest
6 provisions of Chapter 6 (commencing with Section 14825) of this
7 part and Chapter 2.5 (commencing with Section 10700) and
8 Chapter 3 (commencing with Section 12100) of Part 2 of Division
9 2 of the Public Contract Code, the California State University may
10 award a contract for the acquisition of goods, services, or
11 information technology that has an estimated value of greater than
12 five thousand dollars (\$5,000), but less than two hundred fifty
13 thousand dollars (\$250,000), to a certified small business, including
14 a microbusiness, or to a disabled veteran business enterprise, if
15 the California State University obtains price quotations from two
16 or more certified small businesses, including microbusinesses, or
17 from two or more disabled veteran business enterprises.

18 (b) In carrying out subdivision (a), the California State
19 University shall consider a responsive offer timely received from
20 a responsible certified small business, including a microbusiness,
21 or from a disabled veteran business enterprise.

22 *SEC. 2.* *Section 10508.5 is added to the Public Contract Code,*
23 *to read:*

24 10508.5. (a) *Notwithstanding any other law, including, but*
25 *not limited to, the advertising, bidding, and protest provisions of*
26 *Chapter 2.1 (commencing with Section 10500) and Chapter 3*
27 *(commencing with Section 12100) of Part 2 of Division 2 of this*
28 *code, and Chapter 6 (commencing with Section 14825) and*
29 *Chapter 6.5 (commencing with Section 14835) of Part 5.5 of*
30 *Division 3 of Title 2 of the Government Code, the University of*
31 *California may award a contract for the acquisition of goods,*
32 *services, or information technology that has an estimated value*
33 *of greater than one hundred thousand dollars (\$100,000), but less*
34 *than two hundred fifty thousand dollars (\$250,000), to a certified*
35 *small business, including a microbusiness, or to a disabled veteran*
36 *business enterprise, if the University of California obtains price*
37 *quotations from two or more certified small businesses, including*
38 *microbusinesses, or from two or more disabled veteran business*
39 *enterprises.*

1 (b) In carrying out subdivision (a), the University of California
2 shall consider a responsive offer timely received from a responsible
3 certified small business, including a microbusiness, or from a
4 disabled veteran business enterprise.

5 (c) No provision of this section shall apply to the University of
6 California except to the extent that the Regents of the University
7 of California, by appropriate resolution, make that provision
8 applicable.

9 (d) Sections 10522, 10523, 10524, and 10525 do not apply to
10 violations of this section.

11 SEC. 3. Section 20651.2 is added to the Public Contract Code,
12 to read:

13 20651.2. (a) Notwithstanding any ~~provision~~ of other law,
14 including, but not limited to, the advertising, bidding, and protest
15 provisions of this article and Division 7 (commencing with Section
16 70900) of Title 3 of the Education Code, *but subject to Section*
17 *88003.1*, the governing board of a community college district may
18 award a contract for the acquisition of goods, services, or
19 information technology that has an estimated value of greater than
20 five thousand dollars (\$5,000), but less than two hundred fifty
21 thousand dollars (\$250,000), to a certified small business, including
22 a microbusiness, or to a disabled veteran business enterprise, if
23 the community college district obtains price quotations from two
24 or more certified small businesses, including microbusinesses, or
25 from two or more disabled veteran business enterprises.

26 (b) In carrying out subdivision (a), a community college district
27 shall consider a responsive offer timely received from a responsible
28 certified small business, including a microbusiness, or from a
29 disabled veteran business enterprise.

30 (c) The definitions set forth in Section 14837 of the Government
31 Code apply to this section.