

AMENDED IN ASSEMBLY MAY 23, 2013

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 Section 14838.64 to the Government Code, and to add 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, *and establishes criminal penalties for the violation of those provisions.*

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 bill would ~~similarly authorize~~ *include among those provisions that given contracting by the University of California similar authority* 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.~~ *By changing the definition of existing crimes, this 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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 14838.64 is added to the Government
- 2 Code, to read:
- 3 14838.64. (a) Notwithstanding any other law, including, but
- 4 not limited to, the advertising, bidding, and protest provisions of
- 5 Chapter 6 (commencing with Section 14825) of this part and
- 6 Chapter 2.5 (commencing with Section 10700) and Chapter 3
- 7 (commencing with Section 12100) of Part 2 of Division 2 of the
- 8 Public Contract Code, the California State University may award
- 9 a contract for the acquisition of goods, services, or information
- 10 technology that has an estimated value of greater than five thousand
- 11 dollars (\$5,000), but less than two hundred fifty thousand dollars
- 12 (\$250,000), to a certified small business, including a microbusiness,

1 or to a disabled veteran business enterprise, if the California State
2 University obtains price quotations from two or more certified
3 small businesses, including microbusinesses, or from two or more
4 disabled veteran business enterprises.

5 (b) In carrying out subdivision (a), the California State
6 University shall consider a responsive offer timely received from
7 a responsible certified small business, including a microbusiness,
8 or from a disabled veteran business enterprise.

9 SEC. 2. Section 10508.5 is added to the Public Contract Code,
10 to read:

11 10508.5. (a) Notwithstanding any other law, including, but
12 not limited to, the advertising, bidding, and protest provisions of
13 Chapter 2.1 (commencing with Section 10500) ~~and Chapter 3~~
14 ~~(commencing with Section 12100) of Part 2 of Division 2 of this~~
15 ~~code, and Chapter 6 (commencing with Section 14825) and Chapter~~
16 ~~6.5 (commencing with Section 14835) of Part 5.5 of Division 3 of~~
17 ~~Title 2 of the Government Code~~, the University of California may
18 award a contract for the acquisition of goods, services, or
19 information technology that has an estimated value of greater than
20 one hundred thousand dollars (\$100,000), but less than two hundred
21 fifty thousand dollars (\$250,000), to a certified small business,
22 including a microbusiness, or to a disabled veteran business
23 enterprise, if the University of California obtains price quotations
24 from two or more certified small businesses, including
25 microbusinesses, or from two or more disabled veteran business
26 enterprises.

27 (b) In carrying out subdivision (a), the University of California
28 shall consider a responsive offer timely received from a responsible
29 certified small business, including a microbusiness, or from a
30 disabled veteran business enterprise.

31 (c) No provision of this section shall apply to the University of
32 California except to the extent that the Regents of the University
33 of California, by appropriate resolution, make that provision
34 applicable.

35 ~~(d) Sections 10522, 10523, 10524, and 10525 do not apply to~~
36 ~~violations of this section.~~

37 SEC. 3. Section 20651.2 is added to the Public Contract Code,
38 to read:

39 20651.2. (a) Notwithstanding any other law, including, but
40 not limited to, the advertising, bidding, and protest provisions of

1 this article and Division 7 (commencing with Section 70900) of
2 Title 3 of the Education Code, but subject to Section 88003.1, the
3 governing board of a community college district may award a
4 contract for the acquisition of goods, services, or information
5 technology that has an estimated value of greater than five thousand
6 dollars (\$5,000), but less than two hundred fifty thousand dollars
7 (\$250,000), to a certified small business, including a microbusiness,
8 or to a disabled veteran business enterprise, if the community
9 college district obtains price quotations from two or more certified
10 small businesses, including microbusinesses, or from two or more
11 disabled veteran business enterprises.

12 (b) In carrying out subdivision (a), a community college district
13 shall consider a responsive offer timely received from a responsible
14 certified small business, including a microbusiness, or from a
15 disabled veteran business enterprise.

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

18 *SEC. 4. No reimbursement is required by this act pursuant to*
19 *Section 6 of Article XIII B of the California Constitution because*
20 *the only costs that may be incurred by a local agency or school*
21 *district will be incurred because this act creates a new crime or*
22 *infraction, eliminates a crime or infraction, or changes the penalty*
23 *for a crime or infraction, within the meaning of Section 17556 of*
24 *the Government Code, or changes the definition of a crime within*
25 *the meaning of Section 6 of Article XIII B of the California*
26 *Constitution.*