

ASSEMBLY BILL

No. 1198

Introduced by Assembly Member Jones-Sawyer

February 22, 2013

An act to amend Section 2051 of the Penal Code, relating to the Department of Corrections and Rehabilitation.

LEGISLATIVE COUNSEL'S DIGEST

AB 1198, as introduced, Jones-Sawyer. Department of Corrections and Rehabilitation.

Existing law authorizes the Department of Corrections and Rehabilitation to contract for provisions, clothing, medicines, forage, fuel, and all other staple supplies needed for the support of the prisons for any period of time, not exceeding one year, and further specifies bidding procedures and other particulars of the bidding process in connection with awarding those contracts.

This bill would make technical, nonsubstantive changes to those provisions.

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 2051 of the Penal Code is amended to
2 read:
3 2051. The department is hereby authorized to contract for
4 provisions, clothing, medicines, forage, fuel, and all other staple
5 supplies needed for the support of the prisons for any period of
6 time, not exceeding one year, and ~~such~~ *those* contracts shall be

1 limited to bona fide dealers in the several classes of articles
2 contracted for. Contracts for ~~such~~ *those* articles as the department
3 may desire to contract for, shall be given to the lowest bidder at a
4 public letting thereof, if the price bid is a fair and reasonable one,
5 and not greater than the usual value and prices.

6 Each bid shall be accompanied by ~~such~~ *that* security as the
7 department may require, conditional upon the bidder entering into
8 a contract upon the terms of his *or her* bid, on notice of the
9 acceptance thereof, and furnishing a penal bond with good and
10 sufficient sureties in ~~such~~ *that* sum as the department may require,
11 and to its satisfaction that ~~he~~ *the bidder* will faithfully perform ~~his~~
12 *the bidder's* contract.

13 If the proper officer of the prison reject any article, as not
14 complying with the contract, or if a bidder fail to furnish the articles
15 awarded to him *or her* when required, the proper officer of the
16 prison may buy other articles of the kind rejected or called for, in
17 the open market, and deduct the price thereof, over the contract
18 price, from the amount due to the bidder, or charge the same up
19 against ~~him~~ *the bidder*.

20 Notice of the time, place, and conditions of the letting of
21 contracts shall be given for at least two consecutive weeks in two
22 newspapers printed and published in the City and County of San
23 Francisco, and in one newspaper printed and published in the
24 County of Sacramento, and in the county where the prison to be
25 supplied is situated.

26 If all the bids made at ~~such~~ *that* letting are deemed unreasonably
27 high, the department may, in its discretion, decline to contract and
28 may again advertise for ~~such~~ *that* time and in ~~such~~ *those* papers
29 as it sees proper for proposals, and may so continue to renew the
30 advertisement until satisfactory contracts are made; and in the
31 meantime the department may contract with anyone whose offer
32 is regarded as just and equitable, or may purchase in the open
33 market.

34 No bids shall be accepted, nor a contract entered into in
35 pursuance thereof, when ~~such~~ *that* bid is higher than any other bid
36 at the same letting for the same class or schedule of articles, quality
37 considered, and when a contract can be had at ~~such~~ *that* lower bid.

38 When two or more bids for the same article or articles are equal
39 in amount, the department may select the one which, all things
40 considered, may by it be thought best for the interest of the ~~State~~

1 *state*, or it may divide the contract between the bidders as in its
2 judgment may seem proper and right.

3 The department shall have power to let a contract in the aggregate
4 or they may segregate the items, and enter into a contract with the
5 bidder or bidders who may bid lowest on the several articles.

6 The department shall have the power to reject the bid of any
7 person who had a prior contract and who had not, in the opinion
8 of the department, faithfully complied therewith.

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