

AMENDED IN SENATE MAY 20, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2149**

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**Introduced by Assembly Member Atkins  
(Coauthor: Assembly Member V. Manuel Pérez)**

February 20, 2014

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An act to add Section 20147 to the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 2149, as amended, Atkins. The Local Agency Public Construction Act: County of San Diego: exemption.

Existing law, the Local Agency Public Construction Act, requires counties, among others, to comply with specified procedures for contracting for public works projects, ~~as defined~~, including, the use of a competitive bidding process and awarding contracts to the lowest responsible bidder.

Existing law provides that specified provisions of the act applicable to public works contracts awarded by counties, as specified, do not apply to certain contracts between the County of Napa and the State of California.

This bill would provide that those provisions of the act would also not apply to a contract entered into by the County of San Diego with a private entity for the delivery of a regional communications system and any related infrastructure to be used by public safety agencies and emergency responders located in the Counties of Imperial and San Diego. ~~This~~ *The* bill would authorize the County of San Diego to use any competitive procurement method to procure the regional communications system and all related infrastructure, ~~as specified~~. *but*

would require the county to use a best value, as defined, procurement if the county does not use a procurement method otherwise available under specified provisions of the act.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Diego.

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 20147 is added to the Public Contract  
2 Code, to read:

3 20147. (a) Notwithstanding any other law, this article shall  
4 not apply to a contract entered into by the County of San Diego  
5 with a private entity for the delivery of a regional communications  
6 system and any related infrastructure to be used by public safety  
7 agencies and emergency responders located in the Counties of  
8 Imperial and San Diego.

9 (b) The County of San Diego may use any competitive  
10 procurement method to procure the regional communications  
11 systems and related infrastructure described in subdivision ~~(a)~~  
12 ~~including provisions of this article that would otherwise apply to~~  
13 ~~the County of San Diego.~~ (a), provided that if the County of San  
14 Diego does not use a procurement method otherwise available to  
15 it under this article, the procurement shall be a best value  
16 procurement. “Best value” means a value determined by evaluation  
17 of objective criteria related to price, functional specifications and  
18 features, technical specifications and features, implementation  
19 plan, life cycle costs and support, experience, past performance,  
20 and fiscal stability. A best value determination may entail selection  
21 of the lowest priced technically acceptable proposal or selection  
22 of the best proposal for a fixed price established by the procuring  
23 agency, or it may consist of a tradeoff between price and other  
24 specified factors.

25 SEC. 2. The Legislature finds and declares that a special law  
26 is necessary and that a general law cannot be made applicable  
27 within the meaning of Section 16 of Article IV of the California

- 1 Constitution because of the unique public safety needs in the
- 2 County of San Diego.

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