

AMENDED IN SENATE JUNE 15, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 653

Introduced by Assembly Member Levine

February 24, 2015

An act to ~~add Article 3.9 (commencing with Section 66029) to Chapter 2 of Part 40 of Division 5 of Title 3 of~~ *amend Sections 81641 and 81644 of, and to add Section 81646 to, the Education Code, and to add Section 20653.5 to the Public Contract Code,* relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 653, as amended, Levine. Postsecondary education: ~~intersegmental coordination in governance. community college contracting practices.~~

~~Existing~~

(1) *Existing* law establishes the California State University, the University of California, and the California Community Colleges as the 3 segments of public postsecondary education in this state. ~~The missions and functions of these segments are set forth, among other things, in the Donahoe Higher Education Act. Provisions of the Donahoe Higher Education Act apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.~~

Existing law requires the governing board of a community college district to publish a notice calling for bids or proposals in a newspaper of general circulation. Existing law requires this notice to state the work proposed to be done or the materials or supplies to be furnished and the time when, and the place where, bids or proposals will be opened.

~~This bill would express the intent of the Legislature that the segments of public higher education coordinate their efforts to invest state resources in technologies that are useful to multiple segments or campuses. The bill would add a provision to the Donahoe Higher Education Act requiring the Chancellor of the California Community Colleges and the Chancellor of the California State University, and requesting the President of the University of California, to coordinate the efforts of their respective segments when procuring systemwide information technology and software for the purposes of enhancing student achievement. The bill would specify that the coordination it requires would apply only to large-scale information technology and software purchases that benefit the 3 segments of public postsecondary education and for which coordination by these segments would reduce costs and increase efficiency. The bill would further provide that, as the public segments of higher education invest in, and upgrade, infrastructure and software for data storage and analysis, these segments shall develop procedures to coordinate the collection of, and to share, student performance data in a manner that is consistent with state and federal privacy law. authorize the governing board of a community college district to alternatively post the notice described above on its Internet Web site or its bidding platform, as defined.~~

~~Because these provisions would be added to the Donahoe Higher Education Act, they would apply to the University of California only to the extent that the regents act, by resolution, to make them applicable.~~

~~(2) Existing law provides that continuing contracts for work to be done or services to be performed for, or for apparatus or equipment to be furnished, sold, built, installed, or repaired for, a community college district, may be made for a period not to exceed 5 years, and that contracts for materials and supplies to be furnished or sold to a district may be made for a period not to exceed 3 years.~~

~~This bill would provide that the contracts for work, services, apparatus or equipment, and materials and supplies for a community college district, as referenced above, may be made for a period not to exceed 7 years.~~

~~(3) Existing law declares that nothing in the Public Contract Code precludes the governing board of a community college district from purchasing materials, equipment, or supplies through the Department of General Services pursuant to a specified statute.~~

~~This bill would declare that nothing in either the Education Code or the Public Contract Code would preclude a community college district~~

from purchasing materials, equipment, supplies, or services under the same terms and conditions as are specified in a contract lawfully awarded by the University of California or the California State University.

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 81641 of the Education Code is amended*
2 *to read:*

3 81641. (a) For the purpose of securing bids or ~~proposals~~
4 *proposals*, the governing board of the community college ~~board~~
5 *district shall post on its Internet Web site or bidding platform, or*
6 *publish at least once a week for two weeks in some newspaper of*
7 *general circulation published in the district, or if there is no such*
8 *paper, then in some newspaper of general circulation, circulated*
9 *in the ~~county~~ county, a notice calling for bids or proposals, stating*
10 *the work to be done or materials or supplies to be furnished and*
11 *the time when and the place where bids or proposals will be*
12 *opened. Whether or not bids or proposals are opened exactly at*
13 *the time fixed in the public notice for opening bids or proposals,*
14 *a bid or proposal shall not be received after that time.*

15 (b) *As used in this section, a “bidding platform” is an online*
16 *environment that allows users to bid for the provision of goods or*
17 *services.*

18 *SEC. 2. Section 81644 of the Education Code is amended to*
19 *read:*

20 81644. Continuing contracts for work to be done, services to
21 be performed, or for apparatus or equipment to be furnished, sold,
22 built, installed, or repaired for the district, or for materials or
23 supplies to be furnished or sold to the ~~district~~ *district*, may be made
24 with an accepted vendor ~~as follows: for work or services, or for~~
25 ~~apparatus or equipment, not to exceed five years; for materials or~~
26 ~~supplies, for a period not to exceed three~~ *seven* years.

27 *SEC. 3. Section 81646 is added to the Education Code, to read:*

28 81646. *Nothing in this code shall preclude the governing board*
29 *of a community college district from purchasing materials,*
30 *equipment, supplies, or services under the same terms and*

1 conditions as are specified in a contract lawfully awarded by the
2 University of California or the California State University.

3 SEC. 4. Section 20653.5 is added to the Public Contract Code,
4 to read:

5 20653.5. Nothing in this code shall preclude the governing
6 board of a community college district from purchasing materials,
7 equipment, supplies, or services under the same terms and
8 conditions as are specified in a contract lawfully awarded by the
9 University of California or the California State University.

10 SECTION 1. It is the intent of the Legislature that all of the
11 following occur:

12 (a) ~~That the segments of public higher education coordinate~~
13 ~~their efforts to invest state resources in technologies that are useful~~
14 ~~to multiple segments or campuses.~~

15 (b) ~~That, as these segments invest in new technologies, the~~
16 ~~public segments jointly leverage their combined purchasing power.~~

17 (c) ~~That investments in new technology made by these segments~~
18 ~~prioritize the ability to coordinate with other segments of higher~~
19 ~~education.~~

20 (d) ~~That these segments ease the student transfer process~~
21 ~~between systems through increased coordination in the purchasing~~
22 ~~of new technology platforms.~~

23 SEC. 2. ~~Article 3.9 (commencing with Section 66029) is added~~
24 ~~to Chapter 2 of Part 40 of Division 5 of Title 3 of the Education~~
25 ~~Code, to read:~~

26
27 Article 3.9. Intersegmental Coordination in Governance

28
29 66029. (a) ~~The Chancellor of the California Community~~
30 ~~Colleges and the Chancellor of the California State University~~
31 ~~shall, and the President of the University of California is requested~~
32 ~~to, coordinate the efforts of their respective segments when~~
33 ~~procuring systemwide information technology and software for~~
34 ~~the purposes of enhancing student achievement.~~

35 (b) ~~The coordination required by this section shall only apply~~
36 ~~to large-scale information technology and software purchases that~~
37 ~~benefit the three segments of public postsecondary education and~~
38 ~~for which coordination by these segments would reduce costs and~~
39 ~~increase efficiency.~~

1 ~~66029.3.—As the segments of public postsecondary education~~
2 ~~invest in, and upgrade, infrastructure and software for data storage~~
3 ~~and analysis, these segments shall develop procedures to coordinate~~
4 ~~the collection of, and to share, student performance data in a~~
5 ~~manner that is consistent with state and federal privacy law.~~

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