

Assembly Bill No. 1921

CHAPTER 657

An act to amend and renumber the heading of Article 1 (commencing with Section 81300) of Chapter 2 of, to add the heading of Chapter 2 (commencing with Section 81250) to, to add Article 1 (commencing with Section 81250) to Chapter 2 of, and to repeal the heading of Chapter 2 (commencing with Section 81300) of, Part 49 of the Education Code, and to add Section 20651.5 to the Public Contract Code, relating to community colleges.

[Approved by Governor September 20, 1998. Filed
with Secretary of State September 21, 1998.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1921, Scott. Community colleges: real property of community college districts.

(1) Existing law authorizes the establishment of community college districts and their operation of community college campuses. Existing law prescribes procedures with regard to the sale, lease, use, gift, and exchange of real property by community college districts.

This bill would authorize the governing board of a community college district to request the Board of Governors of the California Community Colleges to waive, insofar as necessary to accomplish the purpose of the waiver request, all or a portion of the procedures regulating the sale, lease, use, gift, or exchange of community college district real property, other than any provision of the bill. The bill would require that this waiver could be requested only after a noticed public hearing, and only if the waiver request demonstrates that the district has provided the required written notice, that the district was unable to reach agreement with any public agency that sought to acquire the property, that the waiver will not substantially increase state costs or decrease state revenues, and that the waiver will further the ability of the district to meet the educational needs of the community. The bill would provide that the Board of Governors of the California Community Colleges may approve a request for a waiver upon finding that the waiver would promote efficiency and further the public benefit. The bill would require the Chancellor of the California Community Colleges to annually report to the Governor and the Legislature on the number, types, and disposition of waiver requests submitted under the bill.

(2) Existing law requires the governing board of any community college district to let any contracts involving an expenditure of more than \$50,000 for the purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district; for services, except

construction services; or repairs, including maintenance as defined, that are not a public project, as defined. Existing law also requires the governing board of a community college district to let any contract for a public project, as defined, involving an expenditure of \$15,000 or more to the lowest responsible bidder who gives security as the board requires, or else to reject all bids.

This bill would authorize a governing board of any community college district to require that each prospective bidder for a contract complete and submit to the district a standardized questionnaire and financial statement in a form specified by the district. This bill would impose a state-mandated local program by requiring that a governing board of a community college district furnish prospective bidders for contracts subject to the bill with a standardized proposal form.

(3) 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

SECTION 1. The heading of Chapter 2 (commencing with Section 81250) is added to Part 49 of the Education Code, to read:

CHAPTER 2. PROPERTY: SALE, LEASE, USE, GIFT, AND EXCHANGE

SEC. 2. Article 1 (commencing with Section 81250) is added to Chapter 2 of Part 49 of the Education Code, to read:

Article 1. General Provisions

81250. (a) The governing board of a community college district may, after a public hearing on the matter, request the Board of Governors of the California Community Colleges to waive, insofar as necessary to accomplish the purpose of the waiver request, all or part of any section of this chapter, other than any provision of this article, or any regulation adopted by the Board of Governors that implements a provision of this chapter.

(b) If a waiver request involves the sale or lease of district real property, the governing board of a district requesting a waiver shall provide written notice of the public hearing conducted pursuant to



subdivision (a), at least 30 days prior to the hearing, to any city, county, park or recreation district, regional park authority, or public housing authority within which the land may be situated.

81252. (a) The Board of Governors of the California Community Colleges may approve any request for waiver upon finding that the waiver would promote efficiency and further the public benefit. Waivers may be approved for purposes including, but not necessarily limited to, joint or shared use of property and facilities and for collaborative partnerships between colleges and other public and private entities.

(b) The Board of Governors of the California Community Colleges shall not approve any request for waiver of any provision of this chapter pursuant to Section 81250 unless the district seeking the waiver demonstrates all of the following:

(1) The district has provided the written notice required by subdivision (b) of Section 81250.

(2) The district, after making a good faith effort, was unable to reach agreement with any public agency that sought to acquire the site pursuant to Section 81363.5.

(3) The waiver will not substantially increase state costs or decrease state revenues.

(4) The waiver will further the ability of the district to meet the educational needs of the community.

81254. The Chancellor of the California Community Colleges shall annually report to the Governor and Legislature on the number, types, and disposition of waiver requests submitted pursuant to Section 81250.

SEC. 3. The heading of Chapter 2 (commencing with Section 81300) of Part 49 of the Education Code is repealed.

SEC. 4. The heading of Article 1 (commencing with Section 81300) of Chapter 2 of Part 49 of the Education Code is amended and renumbered to read:

Article 1.5. Conveyances

SEC. 5. Section 20651.5 is added to the Public Contract Code, to read:

20651.5. (a) The governing board of any community college district may require each prospective bidder for a contract, as described under Section 20651, to complete and submit to the district a standardized questionnaire and financial statement in a form specified by the district, including a complete statement of the prospective bidder's financial ability and experience in performing public works. The questionnaire and financial statement shall be verified under oath by the bidder in the manner in which civil pleadings in civil actions are verified. The questionnaire responses of



prospective bidders and their financial statements shall not be deemed public records and shall not be open to public inspection.

(b) Any community college district requiring prospective bidders to complete and submit questionnaires and financial statements, as described in subdivision (a), shall adopt and apply a uniform system of rating bidders on the basis of the completed questionnaires and financial statements, in order to determine the size of the contracts upon which each bidder shall be deemed financially qualified to bid. The prequalification of a prospective bidder shall neither limit nor preclude a district's subsequent consideration of a prequalified bidder's responsibility on factors other than the prospective bidder's financial qualifications.

(c) Each prospective bidder on any contract described under Section 20651 that is subject to this section shall be furnished, by the community college district letting the contract, with a standardized proposal form that, when completed and executed, shall be submitted as his or her bid. Bids not presented on the forms so furnished shall be deemed nonresponsive and shall be rejected. A proposal form shall not be accepted from any person who, or other entity which, is required to submit a completed questionnaire and financial statement for prequalification pursuant to subdivision (a), but who or which has not done so at least five days prior to the date fixed for the public opening of sealed bids and has not been prequalified, pursuant to subdivision (b), at least one day prior to that date.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

