

ASSEMBLY BILL

No. 1444

Introduced by Assembly Member Garrick

February 27, 2009

An act to add Section 11011.27 to the Government Code, relating to state property.

LEGISLATIVE COUNSEL'S DIGEST

AB 1444, as introduced, Garrick. Disposition of state property: services contracts.

Existing law authorizes the Director of General Services to take various actions with respect to the sale, lease, and disposition of state properties, including entering into lease purchase agreements with state agencies for specified state properties, as provided.

This bill would authorize the Department of General Services to advertise and award contracts for services related to the disposition of real properties, as provided. The bill would further authorize the department to establish prequalified lists, as defined, of qualified firms, as defined, that may enter into contracts with the department to perform specific types of services needed by the department with respect to the disposition of those real properties in accordance with specified requirements, as provided.

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 11011.27 is added to the Government
- 2 Code, to read:

1 11011.27. (a) Notwithstanding any other law, the department
2 may advertise and award contracts for services related to the
3 disposition of real property, in accordance with this section.

4 (b) For purposes of this section, the following definitions shall
5 apply:

6 (1) “Qualified firm” means an individual, firm, or combination
7 of firms and individuals having appropriate expertise and
8 knowledge related to due diligence investigations, land use
9 planning, real estate development, entitlement, appraisals, real
10 estate economics and valuation, engineering, architecture,
11 environmental design, landscape architecture, land surveying,
12 hazardous materials investigation, remediation and compliance,
13 traffic impact analysis, marketing, public relations, auctioning,
14 and other related matters involved in the disposal, reuse, leasing,
15 and sale of real property.

16 (2) “Prequalified list” means a list of firms that possess the
17 qualifications established by the department to perform specific
18 types of services needed by the department pursuant to this section.

19 (c) The department may establish prequalified lists in accordance
20 with the following process:

21 (1) For each type of work for which the department elects to
22 use this process for the advertising and awarding of contracts, the
23 department may request statements of qualifications from interested
24 firms. The request for statements of qualifications shall be
25 announced statewide through the State Contracts Register and any
26 applicable publications of appropriate professional societies. Each
27 announcement shall describe the general scope of services to be
28 provided within each category for contracts for services that the
29 department anticipates may be awarded during the period covered
30 by the announcement.

31 (2) The department shall evaluate the statements of
32 qualifications, and create a list of the most qualified firms that
33 meet the criteria established and published by the department.
34 Discussions may be held regarding each firm’s qualifications with
35 all listed firms. The department shall maintain lists of prequalified
36 firms, which shall be updated at least every two years to allow for
37 additional firms to be added.

38 (3) As specific real properties are identified by the department
39 as being eligible for contracting during the time period that the
40 prequalified lists are valid, the department shall contact at least

1 three qualified firms in each category of services desired by the
2 department for the real property disposition, to determine if those
3 qualified firms have sufficient staff and are available for
4 performance of a specific project. If the qualified firm that is
5 contacted is not available, the department shall continue to contact
6 qualified firms on the prequalified list, in the order the firms appear
7 on the list, until at least three available qualified firms are
8 identified. If a category on the prequalified list has less than three
9 qualified firms, the department may utilize other firms on the
10 prequalified list that are included in a different category on the
11 list.

12 (4) Once the department has identified interested firms from
13 the prequalified list, it shall solicit cost proposals from those
14 prequalified firms. The department shall negotiate a contract for
15 the services with the identified qualified firm in order to offer the
16 best value to the state at a price that it determines is fair and
17 reasonable, in accordance with the cost proposal.

18 (5) If the department is unable to negotiate a satisfactory contract
19 with the identified qualified firm, negotiations with that qualified
20 firm shall be terminated and negotiations shall be undertaken with
21 the next qualified firm on the prequalified list that is available to
22 perform the contract. If a satisfactory contract cannot be negotiated
23 with the second identified qualified firm, negotiations may be
24 terminated and the negotiation process shall be continued with the
25 remaining qualified firms. If the department is unable to negotiate
26 a satisfactory contract with a qualified firm on three separate
27 occasions, the department may remove that qualified firm from
28 the prequalified list.

29 (d) Contracts for services that the department elects to advertise
30 and award in accordance with this section are not subject to Chapter
31 10 (commencing with Section 4525) of Division 5 of Title 1 of
32 the Government Code and Article 4 (commencing with Section
33 10335) of Chapter 2 of Part 2 of Division 2 of the Public Contract
34 Code.