

AMENDED IN SENATE APRIL 25, 2012

AMENDED IN SENATE APRIL 17, 2012

SENATE BILL

No. 1427

**Introduced by Senator De León
(Coauthor: Senator Corbett)**

February 24, 2012

An act to add Article 5 (commencing with Section 12230) to Chapter 4 of Part 2 of Division 2 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1427, as amended, De León. State contracts: electronic goods: bid preference for refurbished electronics.

Existing law requires a state agency to meet certain requirements with respect to purchasing recycled products, as specified. Existing law requires a local public entity, if fitness and quality are equal, to purchase recycled products instead of nonrecycled products whenever recycled products are available, as specified, and authorizes a local public entity to give preference to suppliers of recycled products.

This bill would require a state agency that accepts bids or proposals for a contract for electronic goods to provide a preference of 5%, *as specified*, to a company that offers to fulfill the contract with refurbished electronics, ~~as specified~~ *defined*.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

SECTION 1. Article 5 (commencing with Section 12230) is added to Chapter 4 of Part 2 of Division 2 of the Public Contract Code, to read:

Article 5. Refurbished Electronics Preference

12230. (a) For the purposes of this article, ~~“refurbished” has the same meaning as that term as defined in subdivision (p) of Section 42463 of the Public Resources Code~~ *“refurbished electronics” means any electronic device that the manufacturer has tested and returned to a condition that meets factory specifications for the device, has repackaged, and has labeled as refurbished.*

(b) Notwithstanding any other provision, any state agency that accepts bids or proposals for a contract for electronic goods shall provide a preference of 5 percent to a business that offers to fulfill the contract with refurbished electronics. The preference shall be provided as follows:

(1) For solicitations to be awarded to the lowest responsible bidder meeting specifications, the preference shall be 5 percent of the bid price of the lowest responsible bidder meeting specifications.

(2) For solicitations to be awarded to the highest scored bidder based on evaluation factors in addition to price, the preference shall be 5 percent of the total score of the highest ~~responsible~~ *scored* bidder.

(3) The preferences awarded pursuant to paragraph (1) or (2) shall not be awarded to a noncompliant bidder and shall not be used to satisfy any applicable minimum requirements.

(4) In order to be eligible for the 5-percent preference authorized pursuant to this section, a business shall submit all required substantiating documentation and information needed by the state agency to determine if the business is eligible for the preference.

(c) The Department of General Services shall establish a process to verify that a business meets the criteria for the 5-percent preference *established by this article.*

- 1 (d) This section shall not be construed to require a state agency
- 2 to compromise its immediate mission or ability to function and
- 3 carry out its existing responsibilities.

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