

71831

01/23/17 10:25 AM
RN 17 05223 PAGE 1

An act to amend Section 10430 of the Public Contract Code, relating to public contracting.



17052237.LCS.BILL

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 10430 of the Public Contract Code is amended to read:

10430. This chapter does not apply to any of the following:

(a) The Regents of the University of California and the Trustees of the California State University, except that Article 9 (commencing with Section 10420) shall apply to the Trustees of the California State University.

(b) (1) Transactions covered under Chapter 3 (commencing with Section 12100), except that Sections 10365.5, 10410, and 10411 shall apply to all transactions under that chapter.

(2) Notwithstanding paragraph (1), Section 10365.5 shall not apply to incidental advice or suggestions made outside of the scope of a consulting services contract.

(3) (A) Notwithstanding paragraph (1), Section 10365.5 shall not apply to a contract that is part of a single competitive procurement conducted in more than one stage for information technology goods or services, when the Director of the Department of General Services and the Chief Information Officer determine that there is no conflict of interest under Section 10365.5 and that it is in the best interest of the state to utilize this procurement method. Nothing in this section shall preclude the applicability of Section 12112 to this procurement method.

(B) The Department of General Services shall annually submit a report on its Internet Web site describing each determination granted pursuant to subparagraph (A), listing the basis for the determination, and disclosing the total amount of money paid or to be paid to the contractor under the contract that was the subject of the



determination. The department shall provide notice to the Joint Legislative Budget Committee within 30 days of the posting of the report.

(C) For purposes of this paragraph, "information technology" means information technology goods or services, or both, as appropriate.

(c) Except as otherwise provided in this chapter, any entity exempted from Section 10295. However, the Board of Governors of the California Community Colleges shall be governed by this chapter, except as provided in Sections 10295, 10335, and 10389. The Department of Water Resources shall be governed by this chapter, except as provided in Sections 10295.6, 10304.1, 10335, and 10340.

(d) Transactions covered under Chapter 10 (commencing with Section 4525) of Division 5 of Title 1 of the Government Code.

(e) Except as provided for in subdivision (c), members of boards or commissions who receive no payment other than payment for each meeting of the board or commission, payment for preparatory time, and payment for per diem.

(f) The emergency purchase of protective vests for correctional peace officers whose duties require routine contact with state prison inmates. This subdivision shall remain operative only until January 1, 1987.

(g) Spouses of state officers or employees and individuals and entities that employ spouses of state officers and employees, that are vendored to provide services to regional center clients pursuant to Section 4648 of the Welfare and Institutions Code if the vendor of services, in that capacity, does not receive any material financial benefit, distinguishable from the benefit to the public generally, from any governmental decision made by the state officer or employee.



(h) Subject to the approval of the Director of Developmental Services, or his or her designee, a state employee of the department who is qualified to provide necessary services for regional center consumers, ~~for the purpose of that employee becoming a vendor of a regional center pursuant to Section 4648 of the Welfare and Institutions Code.~~ consumers and has entered into a contract with a regional center for the purpose of developing regional center services. The state employee shall terminate employment with any state agency or department before providing certification to the regional center pursuant to paragraph (9) of subdivision (a) of Section 54326 of Title 17 of the ~~California Code of Regulations, as part of the vendorization process.~~ services funded by the state, as specified in Section 10410, to one or more regional center consumers. A contract entered into by a regional center and a state employee, in his or her capacity as a private citizen, to ~~become a vendor of the~~ develop regional center services does not constitute a state contract within the meaning of Section 1090 of the Government Code. Accordingly, the state employee has no financial interest in a state contract under these circumstances.



1705237131BILL

LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, _____.

General Subject: Public contracting: exemption: regional center contracts.

Existing law provides that specified contracts entered into by any state agency for goods, services, or other specified activities, whether awarded through competitive bidding or not, are void unless and until approved by the Department of General Services, and requires denial of approval if the contract does not meet the required specifications of the bidding process. Under existing law, certain transactions, contracts, and persons are exempt from that law, including, subject to the approval of the Director of Developmental Services, specified employees of the department for the purpose of the employee becoming a vendor of a regional center for persons with developmental disabilities, as specified. Existing law requires such employees to terminate employment with any state agency or department before providing certification to a regional center, as specified, and provides that a contract entered into by a regional center and a state



71831

employee, in his or her capacity as a private citizen, to become a vendor of the regional center does not constitute a state contract, as defined.

This bill would instead exempt, subject to the approval of the Director of Developmental Services, specified employees of the department who enter into a contract with a regional center for the purpose of developing regional center services and requires such an employee to terminate employment with a state agency or department before providing services funded by the state, as specified. The bill would also provide that a contract entered into by a regional center and a state employee, in his or her capacity as a private citizen, to develop regional center services does not constitute a state contract, as defined.

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



1705223713.BILL