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AB-2488 School facilities: task order procurement contracting: Los Angeles Unified School District.
(2017-2018)

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Assembly Bill No. 2488

CHAPTER 129

An act to add and repeal Article 3.1 (commencing with Section 20118.5) to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, relating to school facilities.

[Approved by Governor July 18, 2018. Filed with Secretary of State July 18, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2488, O'Donnell. School facilities: task order procurement contracting: Los Angeles Unified School District.

Existing law requires the governing board of any school district to let contracts for the purchase of equipment, materials, or supplies to be furnished, leased, or sold to the district, services other than construction services, and certain repairs, involving an expenditure of more than \$50,000, and to let contracts for public projects, as defined, involving an expenditure of \$15,000 or more, to the lowest responsible bidder who gives security as the governing board requires.

Existing law authorizes personal services contracting by school districts when specified conditions are met.

This bill, until January 1, 2024, would establish a pilot project in which the governing board of the Los Angeles Unified School District would be authorized to award multiple annual task order procurement contracts, not exceeding \$3,000,000 each, for purposes that include, but are not limited to, services, repairs including maintenance, and construction, as described above, that are paid for with moneys from the school district's general fund. The bill would require the contracts to be awarded to the lowest responsible bidder and to be based primarily on plans and specifications for typical work. The bill would require the school district, before entering into a contract under these provisions, to ensure that it is in compliance with the above-described provisions authorizing personal services contracting by school districts when specified conditions are met. The bill would authorize task order procurement contracts to only be awarded to supplement existing personnel and would prohibit task order procurement contracts from being used to supplant existing personnel. The bill would authorize task order contracting pursuant to these provisions only if the school district has entered into a project labor agreement or agreements, as specified. The bill would require the school district, by January 15, 2023, to submit to committees of the Legislature a specified report on the use of the task order procurement method and to pay for the report. By requiring this report, this bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Los Angeles Unified School District.

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.

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 the statutory provisions noted above.

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

SECTION 1. Article 3.1 (commencing with Section 20118.5) is added to Chapter 1 of Part 3 of Division 2 of the Public Contract Code, to read:

Article 3.1. Task Order Contracting for School Districts

20118.5. (a) It is the intent of the Legislature to enable school districts to use cost-effective options for renovating and repairing school facilities and grounds.

(b) It is the intent of the Legislature to provide an optional alternative procedure for bidding on these projects. It is the intent of the Legislature that the task order procurement method improve contract efficiencies and reduce the general fund impact to school districts by reducing contract delays producing a savings in both contract costs and administration.

(c) It is the intent of the Legislature that task order contracts be competitively bid for and awarded to the bidders providing the most qualified responsive bids.

20118.6. (a) Notwithstanding any other provisions of this chapter, the governing board of a school district may award multiple task order procurement contracts for the repair and renovation of school buildings and grounds, each not exceeding three million dollars (\$3,000,000) through a single request for bid. For purposes of this article, task order procurement contracts may include, but are not limited to, services, repairs, including maintenance, and construction, as authorized in Section 20111, paid for with moneys from the school district's general fund. The contracts shall be awarded to the lowest responsible bidder, and shall be based primarily on plans and specifications for typical work.

(b) For purposes of this section, "school district" means the Los Angeles Unified School District.

(c) Prior to entering into a contract under this section, a school district shall ensure that it is in compliance with Section 45103.1 of the Education Code.

(d) Task order procurement contracts may only be awarded to supplement existing personnel and shall not be used to supplant existing personnel.

(e) A school district may utilize task order procurement contracting pursuant to this article only if the school district has entered into a project labor agreement or agreements that meet the requirements of Section 2500 for all its public works projects.

20118.7. (a) (1) A school district that uses the task order procurement contracting method pursuant to this article shall, no later than January 15, 2023, submit to the appropriate policy and fiscal committees of the Legislature a report on the use of the task order procurement contracting method. The report shall be prepared by an independent third party and the school district shall pay for the cost of the report.

(2) The report shall include, but is not limited to, the following information:

(A) A description of the projects awarded using the task order procurement contracting method.

(B) The contract award amounts.

(C) The task order contractors awarded the projects.

(D) A description of any written protests concerning any aspect of the solicitation, bid, or award of the task order procurement contracts, including the resolution of the protests.

(E) A description of the prequalification process.

(F) If a project awarded under this article has been completed, an assessment of the project performance, including, but not limited to, a summary of any delays or cost increases.

(b) Pursuant to Section 10231.5 of the Government Code, this section is inoperative on January 1, 2024.

20118.8. Except as otherwise provided in this article, the task order procurement contracting method is not intended to change any guideline, criterion, procedure, or requirement of the governing board of the school district to let a contract for a project to the lowest responsible bidder or else reject all bids.

20118.9. This article shall remain in effect only until January 1, 2024, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2024, deletes or extends that date.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to establish a pilot project for the Los Angeles Unified School District to determine the potential benefits and consequences of using task order procurement contracting to facilitate infrastructure improvements and ease fiscal impacts.

SEC. 3. 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.