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SB-333 San Joaquin Regional Transit District: procurement. (2021-2022)

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Senate Bill No. 333

CHAPTER 217

An act to amend Section 20251 of the Public Contract Code, relating to public contracts.

[Approved by Governor September 22, 2021. Filed with Secretary of State September 22, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

SB 333, Eggman. San Joaquin Regional Transit District: procurement.

The Local Agency Public Construction Act governs contracting by the San Joaquin Regional Transit District for the purchase of supplies, equipment, and materials. The act requires the district, when such an expenditure exceeds \$50,000, to make that purchase by contract let to the lowest responsible bidder. The act requires the district to publish notice requesting bids at least once in a newspaper of general circulation.

This bill would increase that competitive bidding threshold to \$75,000 and specify that the contract be let, in the district's discretion, either to the lowest responsible bidder or to a responsible bidder that submits a proposal that provides the best value, as defined, to the district. The bill would also require, for the purchase of supplies, equipment, or materials that exceeds \$5,000, but does not exceed \$75,000, the district to obtain, to the extent practicable, a minimum of 3 written or oral quotes that permit the district to compare the prices and terms for the purchase. By imposing additional duties on local officials, the bill would impose a state-mandated local program.

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.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

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

SECTION 1. Section 20251 of the Public Contract Code is amended to read:

20251. (a) (1) The purchase of all supplies, equipment, and materials, when the expenditure required exceeds seventy-five thousand dollars (\$75,000), shall be by contract let, in the district's discretion, either to the lowest responsible bidder or to a responsible bidder that submits a proposal that provides the best value to the district.

(2) For purposes of this subdivision, "best value" means the overall combination of quality, price, and other elements of a proposal that, when considered together, provide the greatest overall benefit relative to the requirements described in the

solicitation requirements.

(b) For the purchase of supplies, equipment, or materials that exceeds five thousand dollars (\$5,000), but does not exceed seventy-five thousand dollars (\$75,000), the district shall obtain, to the extent practicable, a minimum of three written or oral quotes that permit the district to compare the prices and terms for the purchase.

(c) The construction of facilities and works, when the expenditure required exceeds three thousand dollars (\$3,000), shall be by contract let to the lowest responsible bidder. Notwithstanding the preceding sentence, the district may elect to have this construction be governed by Article 3 (commencing with Section 22030) of Chapter 2.

(d) Notice requesting bids shall be published at least once in a newspaper of general circulation, which publication shall be made at least 10 days before bids are received. The board may reject any and all bids and readvertise in its discretion.

SEC. 2. 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.