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**AB-439 School facilities: task order procurement contracting: Los Angeles Unified School District.** (2023-2024)

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Date Published: 10/10/2023 09:00 PM

## Assembly Bill No. 439

### CHAPTER 523

An act to amend Sections 20118.6, 20118.7, and 20118.9 of the Public Contract Code, relating to public contracts.

[ Approved by Governor October 08, 2023. Filed with Secretary of State October 08, 2023. ]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 439, Wendy Carrillo. School facilities: task order procurement contracting: Los Angeles Unified School District.

Existing law establishes a pilot project authorizing the governing board of the Los Angeles Unified School District to award multiple annual task order procurement contracts, as prescribed, for purposes that include services, repairs, and construction funded by the school district's general fund. Existing law, among other requirements, requires 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, including an assessment of project performance, as specified, and to pay for the report. Under existing law, the report requirement becomes inoperative on January 1, 2024, and all of the task order procurement contracting provisions are repealed as of that same date.

This bill would additionally authorize those task order procurement contracts to include services, repairs, and construction that are funded by local school construction bonds or federal or state funds. The bill would exclude specified services and limit the scope of a contract under the pilot project to the purposes authorized by its funding source. The bill would delete the obsolete reference to the January 15, 2023, report deadline and would require the school district to submit the above-described report by January 15, 2029, and January 15, 2033. The bill would require those reports to assess performance on a per project basis and would authorize the report to include an assessment of performance on a per contractor basis. The bill would extend the January 1, 2024, repeal date of the above-described report requirement and the remaining provisions to January 1, 2034.

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.

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

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

**SECTION 1.** Section 20118.6 of the Public Contract Code is amended to read:

**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, a local school construction bond, or federal or state funds. The scope of a contract awarded pursuant to this article shall be limited to the purposes authorized by its funding source. 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) Before 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) (1) A task order procurement contract shall only be awarded to supplement existing personnel and shall not be used to supplant existing personnel.

(2) A task order procurement contract authorized by this article shall not include services currently or customarily performed by represented employees who are in the school district's Collective Bargaining Unit B, C, D, G, F, or S.

(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.

**SEC. 2.** Section 20118.7 of the Public Contract Code is amended to read:

**20118.7.** (a) (1) On or before January 15, 2029, and on or before January 15, 2033, a school district that uses the task order procurement contracting method pursuant to this article shall 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 performance on a per project basis, including, but not limited to, a summary of any delays or cost increases. The report may also include an assessment of the performance on a per contractor basis.

(b) (1) Pursuant to Section 10231.5 of the Government Code, this section is inoperative on January 1, 2034.

(2) A report to be submitted pursuant to subdivision (a) shall be submitted in compliance with Section 9795 of the Government Code.

**SEC. 3.** Section 20118.9 of the Public Contract Code is amended to read:

**20118.9.** This article shall remain in effect only until January 1, 2034, and as of that date is repealed.

**SEC. 4.** 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 unique need of the Los Angeles Unified School District to use task order procurement contracting to facilitate infrastructure improvements and ease fiscal impacts.

**SEC. 5.** 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.