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**AB-3193 State acquisitions of goods and services: rehabilitation services.** (2023-2024)

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**Assembly Bill No. 3193**

**CHAPTER 253**

An act to add and repeal Section 10350 of the Public Contract Code, relating to public contracts.

[ Approved by Governor September 14, 2024. Filed with Secretary of State September 14, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 3193, Calderon. State acquisitions of goods and services: rehabilitation services.

Existing law authorizes state agencies to enter into contracts for the acquisition of goods or services upon approval by the Department of General Services. Existing law regulates the method by which approval of the department is obtained.

This bill would authorize the Department of Rehabilitation to award contracts for rehabilitation services, as specified, provided that the value of the purchase is less than \$10,000 and involves, among other things, assistive technology devices or services, as defined. The bill would exempt those contracts from competition and advertising if they are awarded in accordance with procedures for documenting fair and reasonable pricing adopted by the Department of Rehabilitation, in collaboration with the Department of General Services, as specified. The bill would require the Department of Rehabilitation to submit a report to the Legislature, prior to January 1, 2029, regarding contracts entered into pursuant to these provisions, as specified. The bill would repeal these provisions on January 1, 2030.

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

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

**SECTION 1.** Section 10350 is added to the Public Contract Code, to read:

**10350.** (a) This section shall apply to contracts awarded by the Department of Rehabilitation to provide rehabilitation services to eligible individuals with disabilities pursuant to Section 361.48 of Title 34 of the Code of Federal Regulations.

(b) Notwithstanding the bidding, advertising, and protesting procedures of this chapter, Chapter 3 (commencing with Section 12100), and Chapter 3.5 (commencing with Section 12120), the Department of Rehabilitation may award a contract described in subdivision (a) without competition or advertising, in accordance with procedures for documenting fair and reasonable pricing adopted by the Department of Rehabilitation, in collaboration with the Department of General Services, if the value of the purchase is less than ten thousand dollars (\$10,000) and it involves any of the following:

(1) Assistive technology devices or services.

(2) An item which is not assistive technology, but is to be incorporated into a new or existing integrated system which does include assistive technology.

(3) An assistive technology device or service that is purchased along with other goods or services and a rehabilitation counselor determines that purchasing the goods or services from an assistive technology vendor is most beneficial for the consumer.

(c) In developing the procedures, the Department of Rehabilitation shall consult with vendors of assistive technology goods and services and organizations that advocate for people with disabilities, and it shall give primary emphasis on ensuring the timely delivery of products identified to meet the individual needs of consumers.

(d) (1) The Department of Rehabilitation shall submit a report to the Legislature, prior to January 1, 2029, regarding contracts entered into pursuant to the procedures authorized by this section.

(2) The report shall, at a minimum, list, for each contract entered into, the contract or purchase order number, a brief description of the goods or services, the contractor name, the date of the acquisition, and the amount paid. Purchases for the same consumer shall be grouped together.

(3) The report shall describe the efficiencies or improvements that resulted from having awarded contracts pursuant to the alternative procedures authorized by this section so as to provide the Legislature information necessary to determine the effectiveness of those procedures.

(4) (A) The requirement for submitting a report imposed under paragraph (1) shall become inoperative on January 1, 2029, pursuant to Section 10231.5 of the Government Code.

(B) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

(e) For purposes of this section, the following definitions apply:

(1) "Assistive technology device" means any item, piece of equipment, software or product system that is designed to increase, maintain, or improve the functional capabilities of individuals with disabilities, including, but not limited to:

(A) Low-tech devices such as a reacher, large grip pen, or independent living aid.

(B) High-tech equipment such as specialized computer hardware and accessories such as custom switches, keyboards, and mouse alternatives.

(C) Specialized computer software such as screen-readers, communication software, or tools to help with reading and writing.

(D) Inclusive or specialized learning materials and curriculum aids.

(E) Specialized curricular software.

(F) Other items such as wheelchairs, height adjustable desks, power lifts, eye-gaze, head trackers, and environmental controls.

(2) "Assistive technology service" means a service which directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. These services include, but are not limited to, evaluation, training, set up and installation, system configuration and testing, and technical support.

(3) "Integrated system" means a collection of equipment or software which is designed to work together as a system to meet the disability-related needs of a Department of Rehabilitation consumer. This includes, but is not limited to, situations where a computer is adapted through use of specialized software and peripherals. Some of the necessary components of the system may be generic equipment or software such as cables, scanners, or printers, so long as the system includes one or more assistive technology devices.

(f) This section shall remain in effect only until January 1, 2030, and as of that date is repealed.