

AMENDED IN ASSEMBLY AUGUST 18, 2000

AMENDED IN ASSEMBLY AUGUST 10, 2000

AMENDED IN ASSEMBLY AUGUST 7, 2000

SENATE BILL

No. 1299

Introduced by Committee on Energy, Utilities and Communications (Senators Bowen (Chair), Alarcon, Baca, Brulte, Hughes, Kelley, Mountjoy, Peace, Solis, Speier, and Vasconcellos)

March 1, 1999

An act to amend Sections 25421 and ~~25449.4~~, 25449.4, 25620.5, and 25620.8 of the Public Resources Code, relating to public resources, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1299, as amended, Committee on Energy, Utilities and Communications. Energy resources conservation.

(1) Existing law requires the State Energy Resources Conservation and Development Commission to administer the State Energy Conservation Assistance Account, a continuously appropriated account, in the General Fund until January 1, 2001, to provide grants and loans to local governments and public institutions to maximize energy use savings. All loans outstanding as of that date are required to continue to be repaid as specified until paid in full, and all unexpended funds in the account on and after that date, except as specified, are required to revert to the General Fund.

This bill would extend the operation of those provisions to January 1, 2011, and would thereby make an appropriation by extending the time during which the funds in a continuously appropriated account are made available.

(2) Existing law, until January 1, 2002, requires the commission to enter into agreements with the Regents of the University of California, the Trustees of the California State University, the Board of Governors of the California Community Colleges, and the State Department of Education to expend specified funds for certain purposes relating to energy conservation. Existing law creates the Local Jurisdiction Energy Assistance Account in the General Fund for the purposes of these provisions and requires the funds in the account to be disbursed by the Controller as authorized by the commission. All loans outstanding as of January 1, 2002, are required to continue to be repaid as specified until paid in full, and all unexpended funds in the account on and after that date, except as specified, are required to be deposited in the Federal Trust Fund and expended for the purposes for which federal oil overcharge funds are available.

This bill would extend the operation of those provisions to January 1, 2011, and would thereby make an appropriation by extending the time during which the specified funds are available for disbursement.

(3) *The existing Warren-Alquist State Energy Resources Conservation and Development Act requires the commission to submit quarterly reports to the Legislative Analyst and to the appropriate fiscal and policy committees of the Legislature that review bills relating to energy and public utilities.*

This bill would, instead, require that those reports be submitted on a semiannual basis.

(4) *The act requires the commission to prepare and submit to the Legislature an annual report on awards of grants made by the commission for public interest energy research and development projects.*

This bill would require that annual report to be submitted to the Legislature not later than March 31 of each year.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 25421 of the Public Resources Code is amended to read:

25421. (a) Except as provided in subdivision (b), this chapter shall remain in effect only until January 1, 2011, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2011, deletes or extends that date.

(b) All loans outstanding as of January 1, 2011, shall continue to be repaid on a semiannual basis, as specified in Section 25415, until paid in full. All unexpended funds in the State Energy Conservation Assistance Account on January 1, 2011, and thereafter, except to the extent those funds are encumbered pursuant to Section 25417.5, shall revert to the General Fund.

SEC. 2. Section 25449.4 of the Public Resources Code is amended to read:

25449.4. (a) Except as provided in subdivision (b), this chapter shall remain in effect until January 1, 2011, and as of that date is repealed, unless a later enacted statute which is enacted before January 1, 2011, deletes or extends that date.

(b) All loans outstanding as of January 1, 2011, shall continue to be repaid in accordance with a schedule established by the commission pursuant to Section 25442.7, until paid in full. All unexpended funds in the Local Jurisdiction Energy Assistance Account on January 1, 2011, and thereafter, except to the extent that those funds are encumbered pursuant to Section 25443.5, shall be deposited in the Federal Trust Fund and be available for the purposes for which federal oil overcharge funds are available pursuant to court judgment or federal agency order.

SEC. 3. Section 25620.5 of the Public Resources Code is amended to read:

25620.5. (a) The commission may solicit applications for awards, using a sealed competitive bid, competitive negotiation process, multiparty agreement, single source, or sole source method.

1 (b) A sealed bid method may be used when goods and
2 services to be acquired can be described with sufficient
3 specificity so that bids can be evaluated against
4 specifications and criteria set forth in the solicitation for
5 bids.

6 (c) The commission may use a competitive
7 negotiation process in any of the following circumstances:

8 (1) Whenever the desired contract is not for a fixed
9 price.

10 (2) Whenever project specifications cannot be drafted
11 in sufficient detail so as to be applicable to a sealed
12 competitive bid.

13 (3) Whenever there is a need to compare the different
14 price, quality, and contractual factors of the bids
15 submitted.

16 (4) Whenever there is a need to afford bidders an
17 opportunity to revise their proposals.

18 (5) Whenever oral or written discussions with bidders
19 concerning the technical and price aspects of their
20 proposals will provide better projects to the state.

21 (6) Whenever the price of the contract is not the
22 determining factor.

23 (d) The commission may establish multiparty and
24 interagency agreements with other entities to advance a
25 defined research, development, and demonstration
26 project purposes. The commission shall be a party to those
27 agreements and shall share in the roles, responsibilities,
28 risks, investments, and results of the agreement.

29 (e) The commission may choose from among two or
30 more business entities capable of supplying or providing
31 goods or services that meet a specified need of the
32 commission. The cost to the state shall be reasonable and
33 the commission shall only enter into a single source
34 contract with a particular entity if the commission
35 determines that it is in the state's best interests.

36 (f) The commission, in accordance with subdivision
37 (g), may select projects on a sole source basis when the
38 cost to the state is reasonable and when, in consultation
39 with the Department of General Services, the
40 commission makes any of the following determinations:

1 (1) The proposal was unsolicited and meets the
2 evaluation criteria of this chapter.

3 (2) The expertise, service, or product is unique.

4 (3) The urgency of the need for the information or
5 deliverable is such that a competitive solicitation would
6 frustrate timely performance.

7 (4) The contract funds the next phase of a multiphased
8 proposal and the existing agreement is being satisfactorily
9 performed.

10 (5) When it is determined by the commission to be in
11 the best interests of the state.

12 (g) The commission shall not utilize a sole source basis
13 for a project pursuant to subdivision (f), unless both of the
14 following conditions are met:

15 (1) The commission, at least 30 days prior to taking an
16 action pursuant to subdivision (f), notifies the Joint
17 Legislative Budget Committee, in writing, of its intent to
18 take the proposed action.

19 (2) The Joint Legislative Budget Committee either
20 approves or ~~fails to~~ *does not* disapprove the proposed
21 action within 30 days from the date of notification
22 required by paragraph (1).

23 (h) The commission shall submit ~~quarterly~~
24 *semiannual* reports to the Legislative Analyst and to the
25 appropriate fiscal and policy committees of the
26 Legislature that review bills relating to energy and public
27 utilities. The reports shall contain an evaluation of the
28 progress and status of the implementation of this section.

29 (i) The provisions of this section are severable. If any
30 provision of this section or its application is held to be
31 invalid, that invalidity shall not affect other provisions or
32 applications that can be given effect without the invalid
33 provision or application.

34 *SEC. 4. Section 25620.8 of the Public Resources Code*
35 *is amended to read:*

36 25620.8. The commission shall prepare and submit to
37 the Legislature an annual report, *not later than March 31*
38 *of each year*, on awards made pursuant to this chapter.
39 The report shall include information on the names of
40 award recipients, the amount of awards, and the types of

1 projects funded, an evaluation of the success of any
2 funded projects, and any recommendations for
3 improvements in the program. The commission shall
4 establish procedures for protecting confidential or
5 proprietary information and shall consult with all
6 interested parties in the preparation of the annual report.

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