

NOTICE PUBLICATION/REGULATIONS SUBMISSION

PRINT

(See instructions on reverse)

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
Z-		2021-04-01-02P	

For use by Office of Administrative Law (OAL) only

For use by Secretary of State only

ENDORSED - FILED

In the office of the Secretary of State
of the State of California

APR 01 2021

1:43 P.M.

NOTICE	REGULATIONS
2021 APR - 1 P 2:19	
OFFICE OF ADMINISTRATIVE LAW	

AGENCY WITH RULEMAKING AUTHORITY Board of Governors of the California Community Colleges	AGENCY FILE NUMBER (if any)
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE N/A	TITLE(S) N/A	FIRST SECTION AFFECTED N/A	2. REQUESTED PUBLICATION DATE N/A
3. NOTICE TYPE Notice re Proposed Regulatory Action	4. AGENCY CONTACT PERSON N/A	TELEPHONE NUMBER N/A	FAX NUMBER (Optional) N/A
OAL USE ONLY	ACTION ON PROPOSED NOTICE Approved as Submitted	Approved as Modified	Disapproved/ Withdrawn
			NOTICE REGISTER NUMBER
			PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) CollegeBuys	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)		
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT 59130, 59131, 59132 AMEND		
TITLE(S) 5	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input checked="" type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) Authority - Ed. Code section 70901.5	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input checked="" type="checkbox"/> Effective other (Specify) 30 days after filed w/Secretary of State
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input checked="" type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Tanya Bosch - Regulations Coordinator		TELEPHONE NUMBER (916) 445-4826	FAX NUMBER (Optional)
		E-MAIL ADDRESS (Optional)	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

3-31-2021

TYPED NAME AND TITLE OF SIGNATORY
Marc A. LeForestier, General Counsel

Final Regulatory Action: CollegeBuys Program for the Procurement of Goods and Services for Community College Districts

SUBCHAPTER 3.5, OF CHAPTER 10, OF DIVISION 6 OF TITLE 5 OF THE CALIFORNIA CODE OF REGULATIONS IS ADDED TO READ:

Subchapter 3.5 CollegeBuys Program for the Procurement of Goods and Services for Community College Districts

§ 59130. Purpose.

(a) This subchapter implements provisions of chapter 41 of the Public Contract Code, authorizing the Chancellor to enter into contracts for goods and services on behalf of a community college district or districts.

(b) The Chancellor's procurement contracts shall use the system-wide market power of the California Community Colleges to obtain goods and services at lower cost than individual districts could obtain through local procurement. Where appropriate, the Chancellor may utilize the life-cycle cost methodology described in Public Contract Code section 20651.7 in calculating the lowest cost for a good or service.

Note: Authority cited: Section 70901, Education Code; and Section 20661, Public Contract Code. Reference: Sections 20651.7 and 20661, Public Contract Code.

§ 59131. Contracts for Procurement of Goods and Services.

(a) Community college districts may obtain goods and services through a Chancellor's procurement contract without having to conduct independent local bidding processes, notwithstanding Section 20651 of the Public Contract Code. Procurement contracts under this section may be awarded to sole or multiple providers, where appropriate, and shall not exceed ten years in duration.

(b) In negotiating procurement contracts under this subchapter, the Chancellor or an auxiliary organization acting pursuant to Section 59132, shall require a vendor to certify that the goods or services provided pursuant to the contract shall carry the lowest cost available upon the same terms, conditions, and specifications. A community college district that has received a formal bid for a good or service may only utilize a Chancellor's procurement contract for that good or service if doing so would result in a lower price upon the same terms, conditions, and specifications.

(c) The Chancellor may not incur financial responsibility in connection with a procurement contract under this subchapter.

(d) The Chancellor may charge the provider of a good or service, the community college district, or both, a fee, commission, or charge in connection with a procurement contract.

(e) This subchapter does not limit community college districts' independent authority to conduct procurements under local procedures.

Note: Authority cited: Section 70901, Education Code; and Section 20661, Public Contract Code. Reference: Section 20661, Public Contract Code.

§ 59132. Delegation of Authority.

(a) The Chancellor may, by agreement with an auxiliary organization as defined in section 72670.5 of the Education Code, delegate the authority to contract for goods and services for a community college district or districts.

(b) An auxiliary organization with delegated authority under subdivision (a) shall meet the following requirements:

(1) the auxiliary shall possess expertise and experience in the procurement of goods and services on behalf of educational or similar institutions;

(2) the auxiliary's procurement contracts shall serve the same purposes, meet the same requirements, and have the same effects as a Chancellor's procurement contract under this subchapter; and

(3) the auxiliary's fees, commissions, or other charges shall be established by agreement with the Chancellor.

(c) The auxiliary is authorized to exercise the authority of the Chancellor as a public agency under section 20652 of the Public Contract Code to the extent authorized by this section and by agreement with the Chancellor.

Note: Authority cited: Section 70901, Education Code; and Section 20661, Public Contract Code. Reference: Sections 70901 and 72670.5, Education Code; and Sections 20652 and 20661, Public Contract Code.