

As I mentioned, I have spoken with a handful of Districts that are confused as to the Prop 39 procurement requirements.

On the one hand, you have Government Code Section 4217 (<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=04001-05000&file=4217.10-4217.18>) that allows sole source procurement for energy-related services and products. This has become common practice for many Districts in recent years.

And the other hand, you have the Prop 39 statute language that states: *(c) A community college district or LEA shall not use a sole source process to award funds pursuant to this chapter. A community college district or LEA may use the best value criteria as defined in paragraph (1) of subdivision (c) of Section 20133 of the Public Contract Code to award funds pursuant to this chapter.*

Can you clarify?

Also, when it comes to procuring planning and analysis assistance (audits, data analytics, program assistance, etc), do these services have different procurement requirements than, say, the actual construction/implementation of an energy project?

I look forward to hearing back from you. Thank you.

Best regards,

Kevin Flanagan

ThinkWire Energy Services
kflanagan@thinkwirees.com
(559) 760-8982
www.thinkwirees.com

