

**State of California
Office of Administrative Law**

In re:
Department of Human Resources

Regulatory Action:

Title 02, California Code of Regulations

Amend section: 599.943

NOTICE OF APPROVAL OF REGULATORY
ACTION

Government Code Section 11349.3

OAL Matter Number: 2023-1201-02

OAL Matter Type: Regular Resubmittal (SR)

This action by the Department of Human Resources amends contract bidding procedures for the Savings Plus Program in accordance with Public Contract Code section 10344.1.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on April 1, 2024.

Date: January 17, 2024



Nicole C. Carrillo
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Eraina Ortega, Director
Copy: Joseph Mesich

RESUBMITTAL

For use by Secretary of State only

§FD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z- 2022-1121-04	2023-1201-02	S

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
 2023 DEC 1 PM3:26

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

JAN 17 2024
 1:40 PM

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY

AGENCY FILE NUMBER (If any)

State of California Department of Human Resources (CalHR), Savings Plus Program

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Contract Bidding Process	TITLE(S) 2	FIRST SECTION AFFECTED 599.943	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON Joseph Mesich	TELEPHONE NUMBER (916) 324-9395	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER 2022 48-2	PUBLICATION DATE 12/2/2022

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Contract Bidding Process	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2023-0609-04S
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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
AMEND 599.943
REPEAL
TITLE(S) 2

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 checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> File & Print <input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b)) <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) <input type="checkbox"/> Other (Specify) _____

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)
 15-Day Notice Start Date: November 1, 2023 15-Day Notice Period End Date: November 17, 2023

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)
<input checked="" 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 type="checkbox"/> Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
<input 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 Joseph Mesich	TELEPHONE NUMBER (916) 409-3269	FAX NUMBER (Optional) NCC	E-MAIL ADDRESS (Optional) joseph.mesich@calhr.ca.gov
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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.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Eraina Ortega</i>	DATE 12/01/23
TYPED NAME AND TITLE OF SIGNATORY Eraina Ortega, Director	per agency request RM

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ENDORSED APPROVED

JAN 17 2024

Office of Administrative Law

Final Text

Title 2. Administration
Division 1. Administrative Personnel
Chapter 3. Department of Human Resources
Subchapter 1. General Civil Service Rules
Article 27. 457 Deferred Compensation Plan
Section 599.943 Contract Periods Bidding Process

Section 599.943 Contract Periods Bidding Process.

- (a) Before awarding an agreement to a potential contractor~~Prior to the conclusion of each contract period with investment firms~~, the Department~~California Department of Human Resources (Department)~~ shall ~~comply with the state's competitive bid process that shall be used to select the firm to be awarded the new contract offer~~ qualified bidders a fair opportunity to participate in the bidding process. To the extent feasible, the Department will utilize the following public bidding procedures: Such process shall be undertaken at least every five calendar years.
- (1) Post the bid publicly through the departmental public announcement, industry related national association and national publication web pages.
 - (2) Provide instructions, including the application deadline and process, for prospective bidders to apply through the contract procurement webpage.
 - (3) Avoid unnecessary restrictions to competition.
 - (4) Follow predetermined procedures developed in compliance with applicable laws to ensure fair competition.
 - (5) Review and evaluate bidder responses to select the contract awardee.
 - (6) Publicly announce the contract winner on the department's announcement web page.
 - (7) Finalize the contract based on the solicitation specifications and the contractor's response.
- (b) Notwithstanding subsection (a) above, the Department may utilize a non-public bidding process if deemed necessary to maintain the continuity of services and if it is in the best interest of the Plan, as determined by the Department and on a case-by-case basis. The Department will follow all public bidding processes except for publicly announcing and awarding the solicitation under subsections (a)(1), (a)(2), and (a)(6). Additionally, the Department will work with contracted consultants to source through a diverse set of firms and notify potential bidders of the upcoming request for a proposal.

Note: Authority cited: Sections 18502, 19815.4(d), 19815 and 19993, Government Code. Reference: Sections 11010.5, 19815.2, 19815.4, 19815.6, 19993, 53601 and 53602, Government Code; and Sections ~~10340~~ 10295, 10344.1, and 10430, Public Contract Code.