

Date of Hearing: April 7, 2026

ASSEMBLY COMMITTEE ON JUDICIARY  
Ash Kalra, Chair  
AB 2187 (Ramos) – As Introduced February 19, 2026

PROPOSED CONSENT

**SUBJECT:** PUBLIC CONTRACTS: CONTRACTS FOR SERVICES

**KEY ISSUE:** SHOULD CALIFORNIA NATIVE AMERICAN TRIBES BE EXEMPT FROM CERTAIN REQUIREMENTS GOVERNING PUBLIC CONTRACTS FOR GOODS AND SERVICE, SIMILAR TO EXEMPTIONS THAT NOW APPLY TO CONTRACTS BETWEEN PUBLIC ENTITIES?

**SYNOPSIS**

*The Public Contracts Code governs state acquisition of goods and services, most notably by imposing bidding requirements and restrictions. For example, existing law requires a public agency to secure at least three bids for each service contract, and, subject to certain exemptions, it prohibits an entity that is awarded a contract from bidding on constituent subcontracts. However, existing law also makes several exemptions to these requirements, especially and most notably where a public entity contracts with another public entity for goods and services. This bill would provide similar exemptions to federally recognized California Native American tribes, which, after all, are sovereign governments in their own right.*

*According to the author, this will strengthen the state's relationship with California's tribes by making it easier for state agencies to work directly with tribal governments and their businesses. While the federal government already prioritizes contracting with tribes, recognizing the importance of supporting their self-governance, California has no similar policy. This bill will address this disparity by exempting federally recognized California tribes from bidding requirements similar to the manner in which public agencies are currently exempted from these requirements.*

*This bill is sponsored by the Twenty-Nine Palms Band of Mission Indians. There is no known opposition to this bill. If the bill passes out of this Committee, it will be referred to the Assembly Committee on Governmental Organization.*

**SUMMARY:** Exempts California Native American tribes from certain requirements governing public contracts for goods and services. Specifically, **this bill:**

- 1) Exempts contracts that can only be performed by a federally recognized California Native American tribe from certain advertising and bidding requirements under the law that governs state acquisition of goods and services.
- 2) Exempts contracts with a federally recognized California Native American tribe from an existing law that requires a state agency offering a public contract to secure at least three competitive bids or proposals for each contract. This exemption parallels an existing exemption for state agency contracts with other public entities.

- 3) Authorizes a federally recognized California Native American tribe to include a subcontract with any subdivision, subsidiary, or business enterprise wholly owned by a federally recognized California Native American tribe for the purpose of fulfilling interagency agreements if the tribe provides a limited waiver of sovereign immunity and a justification of cost of service to show market equivalence of similar services.
- 4) Exempts California Native American tribes awarded a consulting services contract for tribal cultural resources from an existing law that prohibits a person or entity that has been awarded a consulting services contract from submitting a bid or being awarded a contract relating to services, goods, supplies or other action that is required or deemed appropriate in the end product of the consulting services contract.

**EXISTING LAW:**

- 1) Governs state acquisition of goods and services, including by establishing advertising and bidding requirements. Exempts certain consulting services contracts from these requirements, including contracts that can only be performed by a public entity, as defined. (Public Contracts Code Section 10335.5 (c).)
- 2) Requires a state agency to secure at least three competitive bids or proposals for each contract for services. Exempts certain contracts from this requirement, including a contract that is with another state agency, a local governmental entity, an auxiliary organization of the California State University, or an auxiliary organization of a California community college. Specifies, however, that these contracts shall not be used to circumvent competitive bidding requirements. (Public Contracts Code Section 10340.)
- 3) Prohibits a person, firm, or subsidiary thereof who has been awarded a consulting services contract from submitting a bid, or being awarded a contract for, the provision of services, procurement of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate in the end product in the consulting services contract. Specifies, however, that this prohibition does not apply to any person, firm, or subsidiary thereof who is awarded a subcontract of a consulting services contract which amounts to no more than 10 percent of the total monetary value of the consulting services contract. (Public Contracts Code Section 10365.5.)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** According to the author, “AB 2187 will help strengthen the state’s relationship with California’s tribes by making it easier for state agencies to work directly with tribal governments and their businesses. Right now, tribes are disproportionately disadvantaged when competing for state contracts. While the federal government already allows direct contracting with tribes, recognizing the importance of supporting their self-governance, California has no similar policy. AB 2187 will address this inequity by ensuring that state contracting with tribal nations and their businesses is recognized as government-to-government negotiation. This change will give tribes access to more contracting opportunities, helping them support their local economies and their people.”

The Public Contracts Code governs state acquisition of goods and services, most notably by imposing bidding requirements and restrictions. For example, existing law requires a public agency to secure at least three bids for each service contract, and, subject to certain exemptions,

it prohibits an entity that is awarded a contract from bidding on constituent subcontracts. However, existing law also makes several exemptions to these requirements, especially and most notably where a public entity contracts with another public entity for goods and services. This bill would effectively provide some of the same exemptions to federally recognized California Native American tribes, which, after all, are sovereign governments in their own right.

According to the author, this will strengthen the state's relationship with California's tribes by making it easier for state agencies to work directly with tribal governments and their businesses. While the federal government already prioritizes contracting with tribes, recognizing the importance of supporting their self-governance, the author maintains that California has no similar policy. This bill will address this disparity by exempting federally recognized California tribes from bidding requirements similar to the manner in which public agencies are exempted from these requirements. This will make it easier for state agencies to contract with Native California tribes without being subject to the usual bidding requirements.

**ARGUMENTS IN SUPPORT:** The Twenty Nine Palms Band of Mission Indians, the bill's sponsor, writes in support:

[The] U.S. Department of the Interior has long recognized the importance of supporting tribal economic development through procurement opportunities. Under the Buy Indian Act, federal agencies such as the Bureau of Indian Affairs and the Bureau of Indian Education are required to prioritize contracting with American Indian and Alaska Native businesses whenever feasible. California, however, does not have a similar system in place, which limits how easily the state can partner with tribes.

AB 2187 helps address this gap by allowing state agencies to contract directly with federally recognized tribes and their tribally owned enterprises without going through the full competitive bidding process. This makes it easier for the state and local governments to work with tribes in areas where they have specialized expertise, such as in land management, cultural resource protection, and environmental stewardship.

By expanding access to state procurement opportunities, AB 2187 would create new pathways for tribal nations to support their communities and advance long-term self-sufficiency. It would also allow the state to benefit from tribal knowledge in reaching the state's environmental and cultural goals.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Twenty Nine Palms Band of Mission Indians of California (sponsor)

##### **Opposition**

None on file

**Analysis Prepared by:** Tom Clark / JUD. / (916) 319-2334