UNFINISHED BUSINESS

Bill No: SB 1223
Author: Padilla (D)
Amended: 8/18/26
Vote: 21

SENATE AGRICULTURE COMMITTEE: 4-0, 4/21/26
AYES: Caballero, Alvarado-Gil, McNerney, Padilla
NO VOTE RECORDED: Ashby

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 39-0, 5/19/26
AYES: Allen, Alvarado-Gil, Archuleta, Arreguín, Ashby, Becker, Blakespear, Cabaldon, Caballero, Cervantes, Choi, Cortese, Dahle, Durazo, Gonzalez, Grayson, Grove, Hurtado, Jones, Laird, Limón, McGuire, McNerney, Menjivar, Ochoa Bogh, Padilla, Pérez, Reyes, Richardson, Rubio, Seyarto, Smallwood-Cuevas, Stern, Strickland, Umberg, Valladares, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Niello

ASSEMBLY FLOOR: 79-0, 8/26/26 - See last page for vote

SUBJECT: Fairs: contracting

SOURCE: Author

DIGEST: This bill prohibits a fair from issuing any invitation to bid or request for proposal, in connection with the awarding of a contract, for services to any person or entity, in a manner that limits the bidding directly or indirectly to any one bidder. The bill makes any contract awarded in violation of this prohibition void.

Assembly Amendments clarify exemptions for emergencies, as defined in Section 1102 of the Public Contract Code, when a contract is necessary for the immediate preservation of public health, welfare, or safety, or the protection of property, as well as contracts with musicians or musical groups for live performance events.

ANALYSIS:

Existing law:

1) Establishes the California Department of Food and Agriculture (CDFA) Fairs & Expositions (F&E) Branch. The F&E provides fiscal and policy oversight of the network of California fairs (Food and Agricultural (FAC) Code Section 3001-4703).

2) Defines "fair," or "state-designated fairground," to mean:

   a) The California Exposition and State Fair in the City of Sacramento and those fairs specified in Sections 3102, 3103, and 3104 that may receive financial support or are otherwise governed pursuant to this chapter. These fairs may also be referred to as part of the "network of California fairs."

   b) A nonprofit organization that holds an annual fair pursuant to Section 4163 may elect to be a member of the network of California fairs on terms and conditions mutually agreed upon by the department and the nonprofit organization.

   c) A joint powers agency that holds an annual fair pursuant to Section 4171 may elect to be a member of the network of California fairs on terms and conditions mutually agreed upon by the department and the joint powers agency (FAC Section 3101).

3) Defines the district agricultural associations and their locations (FAC Section 3102).

4) Defines the county fairs and their locations (FAC Section 3103).

5) Defines the citrus fruit fairs and their locations (FAC Section 3104).

6) States the board must establish and publish competitive bidding procedures for the award of a procurement or contract involving an expenditure of more than $100,000.

7) States the competitive bidding procedures shall include, but not be limited to:

   a) Requirements for submission of bids and accompanying documentation

   b) Guidelines for the use of requests for proposals (RFP), invitations to bid, or other methods of bidding

c) A bid protest procedure (FAC Section 4051(b)(1)).

8) Mandates that any change of the RFP rules must be communicated to all vendors (California Public Contract Code Section 12104.5).

9) Prohibits a state agency from drafting an RFP on a public contract for services to be rendered to the state in a way that directly or indirectly limits bidding to any one bidder. Any contract awarded in violation of subdivision (a) shall be void (Public Contract Code Section 10339(a) and (b)).

10) The Department of General Services (DGS) shall prescribe the following:

a) The conditions under which a contract may be awarded without competition, and the methods and criteria which shall be used in determining the reasonableness of contract costs when a contract is awarded without competition.

b) Any special requirements for evaluating multiple-year contracts which the department deems necessary to protect the financial interest of the state.

c) For contracts of less than twenty thousand dollars ($20,000), the conditions under which some or all of the provisions of this article may be waived in order to assist agencies in obtaining services and consultant services in a efficient and timely manner (Public Contract Code Section 10348).

d) The California Department of General Services State Administrative Manual (SAM) exempts from competitive bidding public entertainment contracts for state-sponsored fairs and expositions (SAM Section 1233, Management Memo 03-10).

This bill:

1) Adds Section 3107 to the Food and Agricultural Code to state:

a) A fair shall not issue any invitation to bid or request for proposal, in connection with the awarding of a contract, for services to any person or entity, in a manner that limits the bidding directly or indirectly to any one bidder.

b) Any contract awarded in violation of subdivision (a) shall be void.

c) Provides exemptions to this code emergencies, as defined in Section 1102 of the Public Contract Code, when a contract is necessary for the immediate

preservation of public health, welfare, or safety, or the protection of property, as well as contracts with musicians or musical groups for live performance events.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

This bill passed out of the Senate Committee on Appropriations via Senate Rule 28.8.

SUPPORT: (Verified 8/26/26)

None received

OPPOSITION: (Verified 8/26/26)

None received

ARGUMENTS IN SUPPORT: According to the author:
According to the author:

"California's fairs are a tradition that brings communities together each year to celebrate and enjoy local agriculture, food, and entertainment. In order for these fairs to operate, they manage millions of dollars in contracts each year to provide rides, food vendors, and other services.
Recent investigations have revealed that competitive bidding requirements do not apply to state fairs. Bids are being written in a way that applies only to a single contractor, opening the door to favoritism and corruption. SB 1223 would prohibit a fair from issuing a request for proposal or invitation to bid that is written in a way that applies only to one party, helping to protect competitive bidding in fair contracts."

ASSEMBLY FLOOR: 79-0, 8/26/26
AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Haney, Harabedian, Hart, Hoover, Irwin, Jackson, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Ransom, Celeste Rodriguez, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks, Wilson, Zbur, Rivas

Prepared by: Reichel Everhart / AGRI. / (916) 651-1508
10/23/26 14:55:51

****** END ******