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2
3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5

6 MARCIANO PLATA, et al.,

7 *Plaintiffs,*

8 v.

9 ARNOLD SCHWARZENEGGER, et al.,

10 *Defendants.*

Case No. C01-1351 TEH

**[PROPOSED] ORDER GRANTING
RECEIVER'S SUPPLEMENTAL
APPLICATION NO. 8 FOR ORDER
WAIVING STATE CONTRACTING
STATUTES, REGULATIONS**

11 Receiver J. Clark Kelso submitted his Supplemental Application No. 8 for an Order
12 Waiving State Contracting Statutes, Regulations and Procedures ("State Contracting
13 Procedures") for consideration by the Court. The parties either stipulated to or did not object to
14 the relief requested in the Application.

15 Accordingly, good cause appearing, the Court HEREBY GRANTS Receiver's
16 Supplemental Application No. 8.

17 IT IS HEREBY ORDERED AS FOLLOWS:

18 1. To the extent necessary to permit the Receiver to extend and modify his existing
19 contract with Health Management Associates for the purpose of designing and implementing the
20 quality improvement projects described in the Supplemental Application No. 8, the following
21 state statutes, regulations and procedures shall be waived.

- 22
- 23 • Government Code ("Gov't Code") §§ 14825 – 14828 and State Contracting
24 Manual ("SCM") §§ 5.10A, 5.75, 5.80 (governing advertisement of State
25 contracts).
 - 26 • Public Contracts Code ("PCC") §§ 10290 – 10295, 10297, 10333, 10335, 10351,
27 10420 – 10425; Gov't Code § 14616; SCM §§ 4.00 – 4.11; (governing approval
28 of contracts by Department of General Services ("DGS") and exemption from and

consequences for failure to obtain DGS approval).

- PCC §§ 10308, 10309, 10314; SCM vol. 2, State Administrative Manual ("SAM") §§ 3500 – 3696.3 (governing procurement of goods).
- PCC §§ 6106, 10109 – 10126, 10129, 10140, 10141, 10180 – 10185, 10220, 10301 – 10306, 10340 – 10345, 10351, 10367, 10369; Gov't Code §§ 4525 – 4529.20, 4530-4535.3, 7070-7086, 7105-7118, 14835-14837; and Mil. & Veterans Code §§ 999-999.13; 2 CCR §§ 1195 – 1195.6; SCM §§ 5.00 – 6.40 and Management Memo ("MM") 03-10 (governing competitive bidding, required language in bid packages, Non-competitive Bid ("NCB") procedures, preferential selection criteria, contractor evaluations and notice, contract award and protest procedures for service, consulting service, construction project management and public works contracts).
- PCC §§ 10314, 10346 (progress payment limitations).
- Gov't Code § 13332.09 and MM 06-03 (governing vehicle purchases).
- PCC §§ 12100 – 12113, 12120 – 12121, 12125 – 12128; SCM vol. 3; SAM §§ 4800 – 4989.3, 5200 – 5291 (governing procurement of IT, telecommunication and data processing goods and services and applicable alternate protest procedures).
- Gov't Code §§ 13332.10, 14660, 14669, 15853 (governing acquisition and leasing of real property).
- Gov't Code §§ 13332.19, 15815 (governing plans, specifications and procedures for major capital projects).
- PCC §§ 10365.5, 10371; SCM § 3.02.4 (governing restrictions on and approval for multiple contracts with same contractor).

IT IS SO ORDERED.

Dated: 01/29, 2009

