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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARCIANO PLATA, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. C01-1351 TEH

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

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

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

IT IS HEREBY ORDERED AS FOLLOWS:

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

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

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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

