

AMENDED IN SENATE AUGUST 31, 2007
AMENDED IN SENATE JUNE 25, 2007
AMENDED IN ASSEMBLY JUNE 1, 2007
AMENDED IN ASSEMBLY MAY 8, 2007
AMENDED IN ASSEMBLY APRIL 26, 2007
AMENDED IN ASSEMBLY MARCH 29, 2007
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 761

Introduced by Assembly Member Coto
(Coauthors: Assembly Members De Leon, Hernandez, Mendoza,
Saldana, Solorio, and Soto)
(Coauthors: Senators Cedillo and Padilla)

February 22, 2007

~~An act to amend Section 11541.5 of, and to add Section 14838.1 to,~~
~~An act to add Section 14838.1 to the Government Code, relating to state~~
contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 761, as amended, Coto. State contracts: infrastructure bonds:
small businesses.

~~(1) Existing law requires the Department of Technology Services to~~
~~create a link to state agency Web sites from the California Internet portal~~
~~for small businesses and entrepreneurs to access information regarding~~
~~startup requirements and regulatory compliance.~~

~~This bill would require the department to create links for small businesses, including entrepreneurs, to also access information regarding specific state bonds and would delete the reference to entrepreneurs.~~

~~(2) Existing~~

~~Existing law provides for various programs to encourage the participation of small businesses, as certified by the Department of General Services, in state agency contracts, and sets forth the duties of the Director of General Services and the directors of other state agencies in this regard.~~

~~This bill, in order to encourage the participation of small businesses in the construction of the state's infrastructure, as provided in specified infrastructure-related bond acts of 2006, would additionally require the Director of General Services each state agency, as defined, to establish a 25% goal for the participation of small businesses in the construction of the state's infrastructure, as provided in those bond acts, to develop a process to notify California small businesses of advertise all upcoming opportunities to bid on contracts for projects funded by those bond acts, as specified, including bidding procedures, and to provide California small businesses with information regarding available training and technical assistance for understanding and bidding on contracts for projects funded by those bond acts.~~

~~This bill would also require each department state agency, on and after January August 1, 2009, and annually thereafter, that has awarded any contract financed with the proceeds of the infrastructure-related bond acts in the previous calendar fiscal year to report to the Director of General Services on the percentage of small businesses that have been awarded those contracts, and would require any department that did not award at least 25% of those contracts to small businesses to include in its report a plan of action to award at least 25% of the contracts to small businesses during the next calendar year certain statistics regarding small business and microbusiness participation.~~

~~Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.~~

The people of the State of California do enact as follows:

- 1 SECTION 1. ~~Section 11541.5 of the Government Code is~~
- 2 ~~amended to read:~~
- 3 11541.5. (a) ~~The Department of Technology Services shall~~
- 4 ~~create links to state agency Web sites at the State of California~~

1 ~~Internet portal specifically for small businesses, including~~
2 ~~entrepreneurs, to access information regarding startup requirements,~~
3 ~~regulatory compliance, and contracts for projects funded by the~~
4 ~~infrastructure-related bond acts of 2006, described in subdivision~~
5 ~~(e) of Section 14838.1, applicable to the particular business.~~

6 ~~(b) For purposes of this section, “small business” has the same~~
7 ~~meaning as set forth in Section 14837.~~

8 ~~SEC. 2.~~

9 ~~SECTION 1.~~ Section 14838.1 is added to the Government Code,
10 to read:

11 14838.1. (a) In order to encourage the participation of small
12 businesses in the construction, ~~including~~ alteration, demolition,
13 repair, or improvement, of the state’s infrastructure, as provided
14 in the infrastructure-related bond acts of 2006, ~~the Director of~~
15 ~~General Services~~ *each state agency awarding contracts financed*
16 *with the proceeds of these bonds* shall do all of the following:

17 (1) Establish a 25 percent small business participation goal ~~by~~
18 ~~all departments awarding contracts in all contracts it~~ financed with
19 the proceeds of the infrastructure-related bond acts of 2006.

20 ~~(2) Develop a process to notify California small businesses of~~
21 (2) *Advertise all* upcoming opportunities to bid on contracts for
22 projects funded by the infrastructure-related bond acts of 2006,
23 described in subdivision (c), *in the California State Contracts*
24 *Register and include in the advertisement an Internet link to*
25 *information for prospective bidders*, including, but not limited to,
26 general bidding procedures and how to properly prepare a bid for
27 those contracts.

28 (3) Provide information to California small businesses regarding
29 training and technical assistance that is available to assist these
30 small businesses in understanding and bidding on contracts for
31 projects funded by the infrastructure-related bond acts of 2006,
32 described in subdivision (c).

33 (b) For purposes of this section, “small business” has the same
34 meaning as set forth in subdivision (d) in Section 14837.

35 (c) For purposes of this section, all of the following measures
36 are deemed to be the infrastructure-related bond acts of 2006:

37 (1) The Highway Safety, Traffic Reduction, Air Quality, and
38 Port Security Bond Act of 2006 (Chapter 12.49 (commencing with
39 Section 8879.20) of Division 1 of the Government Code).

1 (2) The Housing and Emergency Shelter Trust Fund Act of 2006
2 (Part 12 (commencing with Section 53540) of Division 31 of the
3 Health and Safety Code).

4 (3) The Kindergarten-University Public Education Facilities
5 Bond Act of 2006 (Part 69 (commencing with Section 101000) of
6 the Education Code).

7 (4) The Disaster Preparedness and Flood Prevention Bond Act
8 of 2006 (Chapter 1.699 (commencing with Section 5096.800) of
9 Division 5 of the Public Resources Code).

10 (5) The Safe Drinking Water, Water Quality and Supply, Flood
11 Control, River and Coastal Protection Bond Act of 2006 (Division
12 43 (commencing with Section 75001) of the Public Resources
13 Code).

14 (d) *For the purposes of this section, "state agency" includes*
15 *each agency provided for in Section 12800 and each state entity*
16 *included in Section 10335.7 of the Public Contract Code in which*
17 *the head of the agency is appointed by the Governor.*

18 ~~(d)~~

19 (e) This section does not require the expenditure of the proceeds
20 of the sale of the bonds described in this section, except as
21 permitted by the measure authorizing the issuance of the bond.

22 ~~(e)~~

23 (f) ~~On or before January August 1, 2009, and annually thereafter,~~
24 ~~each department state agency that has awarded any contract~~
25 ~~financed with the proceeds of the infrastructure-related bond acts~~
26 ~~of 2006 in the previous calendar year shall report to the Director~~
27 ~~of General Services on the percentage of small businesses that~~
28 ~~have been awarded those contracts. If a department did not award~~
29 ~~at least 25 percent of those contracts to small businesses, then the~~
30 ~~department shall include in its report a plan of action to award at~~
31 ~~least 25 percent of the contracts to small businesses during the~~
32 ~~next calendar year. previous fiscal year shall report to the Director~~
33 ~~of General Services statistics comparing the small business and~~
34 ~~microbusiness participation dollars for contracts funded by these~~
35 ~~bonds to the total contract dollars for contracts funded by these~~
36 ~~bonds. If an agency did not meet its participation goal, then the~~
37 ~~agency shall include in its report a plan of action to meet its~~
38 ~~participation goal during the current fiscal year.~~

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