

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 759**

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**Introduced by Assembly Member Ma**

February 26, 2009

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An act to amend Section ~~10285~~ *10111* of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 759, as amended, Ma. Public contracts: ~~ineligibility to contract.~~  
*Department of General Services: reporting.*

*Existing law requires the Department of General Services to make available a report on contracting activity containing specified information, as provided, including the level of participation of business enterprises by race, ethnicity, and gender of the business owner, where that information has been voluntarily reported, for construction, professional services, and specified purchasing contracts.*

*This bill would expand the reporting requirements of the Department of General Services to include the level of participation of business enterprises by race, ethnicity, and gender of the business owner, where that information has been voluntarily reported, for information technology procurements and architectural, engineering, and other professional service contracts. This bill would also require the department to include the dollar values with respect to those specified contracts.*

~~Existing law authorizes contracting between state agencies and private contractors and describes circumstances in which private contractors are ineligible to contract with state agencies. Existing law defines those persons subject to ineligibility.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

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

1 SECTION 1. Section 10111 of the Public Contract Code is  
2 amended to read:

3 10111. Commencing January 1, 2007, the department shall  
4 make available a report on contracting activity containing the  
5 following information:

6 (a) A listing of consulting services contracts that the state has  
7 entered into during the previous fiscal year. The listing shall  
8 include the following:

9 (1) The name and identification number of each contractor.

10 (2) The type of bidding entered into, the number of bidders,  
11 whether the low bidder was accepted, and if the low bidder was  
12 not accepted, an explanation of why another contractor was  
13 selected.

14 (3) The amount of the contract price.

15 (4) Whether the contract was a noncompetitive bid contract,  
16 and why the contract was a noncompetitive bid contract.

17 (5) Justification for entering into each consulting services  
18 contract.

19 (6) The purpose of the contract and the potential beneficiaries.

20 (7) The date when the initial contract was signed, and the date  
21 when the work began and was completed.

22 (b) The report shall also include a separate listing of consultant  
23 contracts completed during that fiscal year, with the same  
24 information specified in subdivision (a).

25 (c) The information specified in subdivisions (a) and (b) shall  
26 also include a list of any contracts underway during that fiscal year  
27 on which any change was made regarding the following:

28 (1) The completion date of the contract.

29 (2) The amount of money to be received by the contractor, if it  
30 exceeds 3 percent of the original contract price.

31 (3) The purpose of the contract or duties of the contractor. A  
32 brief explanation shall be given if the change in purpose is  
33 significant.

1 (d) The level of participation, by agency, of disabled veteran  
2 business enterprises in statewide contracting and shall include  
3 dollar values of contract award for the following categories:

- 4 (1) Construction.
- 5 (2) Architectural, engineering, and other professional services.
- 6 (3) Procurement of materials, supplies, and equipment.
- 7 (4) Information technology procurements.

8 Additionally, the report shall include a statistical summary  
9 detailing each awarding department's goal achievement and a  
10 statewide total of those goals.

11 (e) The level of participation by small business in state  
12 contracting including:

13 (1) Upon request, an up-to-date list of eligible small business  
14 bidders by general procurement and construction contract  
15 categories, noting company names and addresses and also noting  
16 which small businesses also qualify as microbusinesses.

17 (2) By general procurement and construction contract categories,  
18 statistics comparing the small business and microbusiness contract  
19 participation dollars to the total state contract participation dollars.

20 (3) By awarding department and general procurement and  
21 construction categories, statistics comparing the small business  
22 and microbusiness contract participation dollars to the total state  
23 contract participation dollars.

24 (4) Any recommendations for changes in statutes or state policies  
25 to improve opportunities for small businesses and microbusinesses.

26 (5) A statistical summary of small businesses and  
27 microbusinesses certified for state contracting by the number of  
28 employees at the business for each of the following categories:  
29 0-5, 26-50, 51-75, and 76-100.

30 (6) To the extent feasible, beginning in the year 2008, the  
31 number of contracts awarded by the department in the categories  
32 specified in paragraph (5).

33 (7) The number of contracts and dollar amounts awarded  
34 annually pursuant to Section 14838.5 of the Government Code to  
35 small businesses, microbusinesses, and disabled veteran business  
36 enterprises.

37 (f) The level of participation of business enterprises, by race,  
38 ethnicity, and gender of owner, ~~in contracts as identified in Section~~  
39 ~~2051 of the Government Code, to the extent that the information~~  
40 ~~has been voluntarily reported to the department. In addition, the~~

1 ~~report shall contain the levels of participation of business~~  
2 ~~enterprises, by race, ethnicity, and gender of owner, for the~~  
3 ~~following categories of contracts, to the extent that the information~~  
4 ~~has been voluntarily reported to the department, and shall include~~  
5 ~~the dollar values of the contracts awarded for those categories:~~

6 (1) Construction.

7 (2) Purchases of materials, supplies, or equipment.

8 ~~(3) Professional services:~~

9 (3) *Architectural, engineering, and other professional services.*

10 (4) *Information technology procurements.*

11 ~~SECTION 1. Section 10285 of the Public Contract Code is~~  
12 ~~amended to read:~~

13 ~~10285. For purposes of this article, “person” means any~~  
14 ~~individual, partnership, joint venture, or association or any other~~  
15 ~~organization or any combination thereof.~~