

AMENDED IN ASSEMBLY MARCH 27, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1960

Introduced by Assembly Member Dickinson

February 23, 2012

An act to amend ~~Sections 2056 and~~ *Section* 10111 of the Public Contract Code, relating to public contracts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1960, as amended, Dickinson. State contracts: reports: lesbian, gay, bisexual, and transgender businesses.

~~(1) Existing law governing public contracts requires the Department of Transportation to establish and administer a computerized databank containing a list of certified minority, women, and disadvantaged business enterprises.~~

~~This bill would require the Department of Transportation to include, in that databank, lesbian, gay, bisexual, and transgender businesses.~~

~~(2) Existing~~

~~Existing law requires the Department of General Services to make available a report on contracting activity containing specified information, including the level of participation of business enterprises, by race, ethnicity, and gender of owner, in specified contracts.~~

~~This bill would require the Department of General Services to include in the report on contracting activity information regarding the level of participation of lesbian, gay, bisexual, or transgender *owned* businesses in specified contracts, as provided.~~

~~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 2056 of the Public Contract Code is~~
2 ~~amended to read:~~

3 ~~2056. (a) The department shall establish and administer a~~
4 ~~computerized databank containing a list of certified minority,~~
5 ~~women, and disadvantaged business enterprises and lesbian, gay,~~
6 ~~bisexual, and transgender businesses. On or before July 1, 1993,~~
7 ~~the data shall be made accessible to all awarding departments,~~
8 ~~local agencies, and the public for use in contracting for goods,~~
9 ~~construction, and services with those business enterprises.~~

10 ~~(b) The databank shall include, but not be limited to, the~~
11 ~~following information:~~

12 ~~(1) Name, address, and telephone number.~~

13 ~~(2) Ethnicity.~~

14 ~~(3) Gender.~~

15 ~~(4) Name of the participating state or local agency that~~
16 ~~conducted a site visit, and date of site visit, if applicable.~~

17 ~~(5) Type of ownership.~~

18 ~~(6) Product or service categories.~~

19 ~~(7) Geographical area.~~

20 ~~(8) Name of the participating state or local agency that~~
21 ~~performed the certification.~~

22 ~~(9) Any additional local requirements met by the enterprise, if~~
23 ~~applicable.~~

24 ~~(10) A record of actions by a participating state or local agency~~
25 ~~resulting in certification denial or decertification.~~

26 ~~(e) Information from the databank shall be made available to~~
27 ~~local public agencies and the public by the date specified in~~
28 ~~subdivision (a).~~

29 ~~(d) The database developed to implement this section shall~~
30 ~~enable the department to monitor changes to this information and~~
31 ~~to issue any reports as may be required.~~

32 ~~SEC. 2.~~

33 ~~SECTION 1. Section 10111 of the Public Contract Code is~~
34 ~~amended to read:~~

35 ~~10111. Commencing January 1, 2007, the department shall~~
36 ~~make available a report on contracting activity containing the~~
37 ~~following information:~~

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

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

5 (2) The type of bidding entered into, the number of bidders,
6 whether the low bidder was accepted, and if the low bidder was
7 not accepted, an explanation of why another contractor was
8 selected.

9 (3) The amount of the contract price.

10 (4) Whether the contract was a noncompetitive bid contract,
11 and why the contract was a noncompetitive bid contract.

12 (5) Justification for entering into each consulting services
13 contract.

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

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

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

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

23 (1) The completion date of the contract.

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

26 (3) The purpose of the contract or duties of the contractor. A
27 brief explanation shall be given if the change in purpose is
28 significant.

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

32 (1) Construction.

33 (2) Architectural, engineering, and other professional services.

34 (3) Procurement of materials, supplies, and equipment.

35 (4) Information technology procurements.

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

39 (e) The level of participation by small business in state
40 contracting including:

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

5 (2) By general procurement and construction contract categories,
6 statistics comparing the small business and microbusiness contract
7 participation dollars to the total state contract participation dollars.

8 (3) By awarding department and general procurement and
9 construction categories, statistics comparing the small business
10 and microbusiness contract participation dollars to the total state
11 contract participation dollars.

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

14 (5) A statistical summary of small businesses and
15 microbusinesses certified for state contracting by the number of
16 employees at the business for each of the following categories:
17 0–5, 26–50, 51–75, and 76–100.

18 (6) To the extent feasible, beginning in the year 2008, the
19 number of contracts awarded by the department in the categories
20 specified in paragraph (5).

21 (7) The number of contracts and dollar amounts awarded
22 annually pursuant to Section 14838.5 of the Government Code to
23 small businesses, microbusinesses, and disabled veteran business
24 enterprises.

25 (f) The level of participation of business enterprises, by race,
26 ethnicity, and gender of *the* owner, ~~and whether the business is a~~
27 ~~lesbian, gay, bisexual, and transgender business,~~ in contracts ~~as~~
28 ~~identified in Section 2051 of the Government Code,~~ to the extent
29 that the information has been voluntarily reported to the
30 department. In addition, the report shall contain the levels of
31 participation of business enterprises, by race, ethnicity, and gender
32 of owner, *and whether the business is a lesbian, gay, bisexual, or*
33 *transgender owned business* for the following categories of
34 contracts, to the extent that the information has been voluntarily
35 reported to the department:

36 (1) Construction.

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

38 (3) Professional services.

1 (g) In the years 2011 and 2012, any errors reported to the
2 department by an awarding agency as required by Sections 10302,
3 10344, and 12104.5, in the previous fiscal year.

4 (h) *The amendments made to this section by the act adding this*
5 *subdivision shall apply on and after January 1, 2013.*

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