

AMENDED IN SENATE MARCH 23, 2015

SENATE BILL

No. 159

Introduced by Senator Nielsen

February 3, 2015

An act to amend Section ~~14839 10111~~ of the ~~Government Public Contract Code~~, relating to state government.

LEGISLATIVE COUNSEL'S DIGEST

SB 159, as amended, Nielsen. ~~Office of Small Business and Disabled Veteran Business Enterprise Services. California Disabled Veteran Business Enterprise Program: goal achievement.~~

Existing law establishes statewide participation goals that apply to the overall dollar amount expended each year by an awarding department, as defined, to facilitate the participation of disabled veteran business enterprises in state contracts, and establishes the California Disabled Veteran Business Enterprise Program for this purpose. Existing law requires the Department of General Services to make available a report on contracting activity containing specified information, including a statistical summary detailing each awarding department's goal achievement under the California Disabled Veteran Business Enterprise Program and a statewide total of those goals.

This bill would specify that an awarding department's goal achievement under the California Disabled Veteran Business Enterprise Program, and statewide total of those goals, be measured as specified. The bill would also make a legislative finding that this bill is clarifying and declaratory of existing law.

~~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 Office of Small Business and Disabled Veteran Business Enterprise Services in this regard.~~

~~This bill would make nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
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 a 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.

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

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

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

11 Additionally, the report shall include a statistical summary
12 detailing each awarding department's goal achievement and a
13 statewide total of those goals. *An awarding department's goal*
14 *achievement is to be measured pursuant to subdivision (a) of*
15 *Section 999.2 of the Military and Veterans Code and subdivision*
16 *(c) of Section 10115 of this code.*

17 (e) The level of participation by small business in state
18 contracting including:

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

23 (2) By general procurement and construction contract categories,
24 statistics comparing the small business and microbusiness contract
25 participation dollars to the total state contract participation dollars.

26 (3) By awarding department and general procurement and
27 construction categories, statistics comparing the small business
28 and microbusiness contract participation dollars to the total state
29 contract participation dollars.

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

33 (5) A statistical summary of small businesses and
34 microbusinesses certified for state contracting by the number of
35 employees at the business for each of the following categories:
36 0–5, 26–50, 51–75, and 76–100.

37 (6) To the extent feasible, beginning in the year 2008, the
38 number of contracts awarded by the department in the categories
39 specified in paragraph (5).

1 (7) The number of contracts and dollar amounts awarded
2 annually pursuant to Section 14838.5 of the Government Code to
3 small businesses, microbusinesses, and disabled veteran business
4 enterprises.

5 (f) The level of participation of business enterprises, by race,
6 ethnicity, and gender of the owner, in contracts to the extent that
7 the information has been voluntarily reported to the department.
8 In addition, the report shall contain the levels of participation of
9 business enterprises, by race, ethnicity, and gender of the owner,
10 and whether the business is a lesbian, gay, bisexual, or transgender
11 owned business for the following categories of contracts, to the
12 extent that the information has been voluntarily reported to the
13 department:

14 (1) Construction.

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

16 (3) Professional services.

17 (g) In the years 2011 and 2012, any errors reported to the
18 department by an awarding agency as required by Sections 10302,
19 10344, and 12104.5, in the previous fiscal year.

20 (h) The amendments made to this section by ~~the act adding this~~
21 ~~subdivision Chapter 861 of the Statutes of 2012~~ shall apply on and
22 after January 1, 2013.

23 *SEC. 2. The Legislature finds and declares that the amendments*
24 *made by this act to Section 10111 of the Public Contract Code are*
25 *clarifying and declaratory of existing law.*

26 ~~SECTION 1. Section 14839 of the Government Code is~~
27 ~~amended to read:~~

28 ~~14839. There is hereby established within the department the~~
29 ~~Office of Small Business and Disabled Veteran Business Enterprise~~
30 ~~Services. The duties of the office shall include:~~

31 ~~(a) Compiling and maintaining a comprehensive bidders list of~~
32 ~~qualified small businesses and disabled veteran business~~
33 ~~enterprises, and noting which small businesses also qualify as~~
34 ~~microbusinesses.~~

35 ~~(b) Coordinating with the Federal Small Business~~
36 ~~Administration, the Minority Business Development Agency, and~~
37 ~~the Office of Small Business Development of the Department of~~
38 ~~Economic and Business Development.~~

39 ~~(c) Providing technical and managerial aids to small businesses,~~
40 ~~microbusinesses, and disabled veteran business enterprises by~~

- 1 conducting workshops on matters in connection with government
2 procurement and contracting.
- 3 ~~(d) Assisting small businesses, microbusinesses, and disabled~~
4 ~~veteran business enterprises in complying with the procedures for~~
5 ~~bidding on state contracts.~~
- 6 ~~(e) Working with appropriate state, federal, local, and private~~
7 ~~organizations and business enterprises in disseminating information~~
8 ~~on bidding procedures and opportunities available to small~~
9 ~~businesses, microbusinesses, and disabled veteran business~~
10 ~~enterprises.~~
- 11 ~~(f) Making recommendations to the department and other state~~
12 ~~agencies for simplification of specifications and terms in order to~~
13 ~~increase the opportunities for small business, microbusiness, and~~
14 ~~disabled veteran business enterprise participation.~~
- 15 ~~(g) Developing, by regulation, other programs and practices~~
16 ~~that are reasonably necessary to aid and protect the interest of small~~
17 ~~businesses, microbusinesses, and disabled veteran business~~
18 ~~enterprises in contracting with the state.~~
- 19 ~~(h) Making efforts to develop, in cooperation with associations~~
20 ~~representing counties, cities, and special districts, a core statewide~~
21 ~~small business certification application that may be adopted by all~~
22 ~~participating entities, with any supplemental provisions to be added~~
23 ~~as necessary by the respective entities.~~
- 24 ~~(i) The information furnished by each contractor requesting a~~
25 ~~small business or microbusiness preference shall be under penalty~~
26 ~~of perjury.~~

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