

NEW LEGISLATION FOR 2005

The following is a brief description of legislation affecting procurement and contracting that took effect January 1, 2005. See the link at <http://www.leginfo.ca.gov/> for complete copies of the chaptered bills.

<p>Chapter 409, Statutes of 2004 AB 79 (Dutra)</p>	<p>Places a moratorium on specific reports required by statute.</p> <p>The moratorium applies to the following reports required to be submitted to the Department of General Services Procurement Division (DGS-PD):</p> <ul style="list-style-type: none"> ▪ Level of Participation of Business Enterprises (PCC §10116) ▪ Level of Participation by Minority, Women and DVBEs (GC § 11139.8) Note: DVBE reporting still required by other statutes. ▪ Pharmaceutical Purchases (GC § 14981) ▪ Recycled Product Purchases (PCC § 12225) ▪ Alternative Protest Pilot (PCC § 12129) ▪ Records Management (GC § 14760) <p>The following reports are still required to be submitted to the DGS-PD:</p> <ul style="list-style-type: none"> ▪ Small Business Participation (GC § 14840) ▪ DVBE Participation (M&VC § 999.7) ▪ Consulting Services Report (PCC § 10359) ▪ Late Payment Penalty Information (GC § 927.9)
<p>Chapter 359, Statutes of 2004 AB 323 (Parra)</p>	<p>Allows for nonprofit veteran services agencies (NVSA), as defined, to qualify for certification as a California certified small business through DGS-PD, Office of Small and DVBE Services (OSDS).</p>
<p>Chapter 802, Statutes of 2004 AB 2120 (Committee on Budget)</p>	<p>Requires state agencies to consider performance-based or share-in-savings contract terms for contracts related to information technology integration or development projects. Such contract considerations must be approved by the DGS-PD prior to incorporating such techniques into ongoing or new acquisitions.</p>
<p>Chapter 277, Statutes of 2004) AB 2397 (Horton)</p>	<p>Increases the time a TACPA/EZA/LAMBRA contractor may be ineligible to transact business with the state to a period of from 6 months to 36 months for specified grounds, including unsatisfactory contract performance, unwillingness to honor a binding bid or contract, and multiple strikes. Authorizes the DGS to temporarily remove from the list of qualified bidders a bidder or supplier that has demonstrated a lack of reliability in completing contracts for a period of 6 to 36 months (increased from 360 days). Provides for an increased penalty for a business that requests a preference and is awarded a contract by reason of having furnished false certification. They are now subject to ineligibility to transact any business with the State for a period of from 6 to 36 months.</p>

<p>Chapter 891, Statutes of 2004 AB 2901 (Pavley)</p>	<p>Establishes the requirement that cell phone sellers in the State have a system to reuse, recycle or properly dispose of used cell phones. Requires State agencies that purchase or lease cell phones to require each prospective bidder to certify that it, and all its affiliates, comply with the requirements of the Cell Phone Recycling Act of 2004.</p>
<p>Chapter 863, Statutes of 2004 SB 50 (Sher)</p>	<p>Effective January 1, 2005 requires retailers to collect an electronic waste (e-waste) recycling fee on all covered electronic devices sold in California. The DGS is working with the California Integrated Waste Management Board to implement this law. For more information visit the following website: http://www.ecycle.org.</p>
<p>Chapter 926, Statutes of 2004 SB 1757 (Denham)</p>	<p>Requires that the DGS investigate and establish the necessity for the acquisition of motor vehicles for executive branch agencies and the California State University prior to their purchase. The DGS Procurement Division and the Office of Fleet Administration are working to implement this legislation. Information will be disseminated by Management Memo and/or broadcast bulletin as it becomes available.</p>