

Enrolled and Chaptered Bills concerning State Contracting and Small Businesses

Department of General Services Small Business Advisory Council, September 2012.

[AB 16](#) (Perea D) High-Speed Rail Authority.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill requires the High-Speed Rail Authority to make every effort to purchase high-speed train rolling stock and related equipment that are manufactured in California, consistent with federal and state laws. This bill would also state that it does not create a private right of action in any civil litigation.

[AB 53](#) (Solorio D) Insurers: procurement contracts: minority, women, and disabled veteran business enterprises.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: This bill requires each admitted insurance company with premiums written at or above \$1 million to report to the Insurance Commissioner beginning July 1, 2013, the company's minority, women, and disabled veteran-owned business procurement efforts. The bill provides that the failure to file the report by July 1, 2013, subjects the admitted insurer to civil penalties to be fixed and enforced by the commissioner.

[AB 1598](#) (Buchanan D) Public contracts: public works: installation.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law defines the term "public works" for purposes of requirements regarding the payment of prevailing wages. Existing law generally defines "public works" to include construction, alteration, demolition, installation, or repair work done under contract and paid for in whole or in part out of public funds. This bill modifies the definition of installation to include the assembly and disassembly of freestanding and affixed modular office systems. Because this bill would expand the definition of a crime, it would impose a state-mandated local program.

[AB 1960](#) (Dickinson D) State contracts: reports: lesbian, gay, bisexual, and transgender businesses.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: 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 requires the Department 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.

AB 2181 (Galqiani D) State government: prompt payment of claims.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The California Prompt Payment Act dictates that a state agency that fails to make a timely payment for goods or services acquired pursuant to a contract with a specified business or organization is subject to a late payment penalty. This bill would include, within the list of specified businesses and organizations, state-certified small businesses working on the development, design, and construction of California's high-speed rail system under the California High-Speed Rail Act.

SB 1099 (Wright D) Regulations.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Administrative Procedure Act generally sets forth the requirements for the adoption, publication, review, and implementation of regulations by state agencies. The act specifically provides that a regulation or order of repeal required to be filed with the Secretary of State shall become effective on the 30th day after the date of filing, subject to certain exceptions. This bill would instead provide that a regulation or order of repeal is effective on January 1, April 1, July 1, or October 1, as specified, subject to certain exceptions, including, but not limited to, specified regulations adopted by the Fish and Game Commission. This bill contains other related provisions and other existing laws.

SB 1280 (Pavley D) Public contracts: University of California and community college districts: competitive bidding: best value.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: Existing law requires the Regents of the University of California to award all contracts of more than \$100,000 to the lowest responsible bidder. Existing law also requires the governing board of any community college district award contracts of more than \$50,000 to the lowest responsible bidder. This bill would provide that, before January 1, 2018, the bid evaluation and selection for these contracts may be determined by a best-value methodology and gives guidance to defining that methodology.

SB 1510 (Wright D) Contracts.

2Year Dead	Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
	1st House				2nd House							

Summary: The Small Business Procurement and Contract Act requires DGS and other state agencies that enter into contracts to establish goals for the participation of small businesses in these contracts, to provide for a small business preference in the award of these contracts, to give special consideration and special assistance to small businesses, and, whenever possible, to make awards to small businesses. The act authorizes the DGS to set standards, established by regulation, for a certified small business or microbusiness to contribute to the fulfillment of contract requirements by performing a commercially useful function. This bill expands the CUF requirements to include demonstrating that the small business, microbusiness or DVBE has responsibility for negotiating price, determining quality and quantity, ordering, installing, if applicable, and making payment for the products, inventories, materials, and supplies required for the contract.