

New California Legislation That Could Impact Your Small or Disabled-Veteran Businesses

Below is a brief explanation of five new legislative bills that were passed into law during 2005. These new bills will take effect January 1, 2006.

We have included links to the legislation mentioned below. You can search for any legislation, both past and present, at California's official site for legislative information:
<http://www.leginfo.ca.gov/bilinfo.html>

AB 348 - Arambula Chapter 185, Statutes of 2005	
<i>Topic:</i>	Small Business Certification and Reciprocity Program
<i>What it Does:</i>	Allows the Department of General Services (DGS) to accept small business certifications issued by local, California agencies (cities, counties, etc.) if the local agencies use certification criteria that are substantially the same as that used by DGS. Also, requires the Office of Small Business and Disabled Veteran Business Services (OSDS) to develop a single, statewide small business certification application that can be adopted by local governments.
<i>View the complete Bill at:</i>	http://www.leginfo.ca.gov/pub/bill/asm/ab_0301-0350/ab_348_bill_20050906_chaptered.html
<i>Affected California Code Section(s)</i>	Government Code §§14839, 14839.1

SB 837 – Dutton Chapter 272, Statutes of 2005	
<i>Topic:</i>	Changes to Alternative Protest Process
<i>What it Does:</i>	Several years ago, the Department of General Services began a pilot project to test an alternative protest procedure for bid protests. The purpose of the Alternative Protest Process is to (1) allow an awarding department to apply to the DGS to use the process; (2) if approved by the DGS, the solicitation may include innovative contracting methods; (3) substantially shorten the time to resolve protests, and (4) provide a mechanism for a protest to be determined “frivolous” with certain consequences from that determination. SB 837 deletes the “pilot” designation, extends the process until December 31, 2011 and changes the name from the

	“Alternative Protest Pilot” to the “Alternative Protest Process.”
<i>View the complete Bill at:</i>	http://www.leginfo.ca.gov/pub/bill/sen/sb_0801-0850/sb_837_bill_20050922_chaptered.html
<i>Affected California Code Section(s)</i>	Public Contract Code §§6611, 12125, 12126, 12128, 12129, 12130

SB 828 – Maldonado Chapter 381, Statutes of 2005	
<i>Topic:</i>	State Credit Card Purchases
<i>What it Does:</i>	<p>Prior to this legislation, whenever the State bought anything from a business, the business was required to sign certain certifications stating, for example, that their business was a drug-free workplace or that they had a valid seller’s permit, among other requirements.</p> <p>The new legislation exempts State credit card purchases of goods worth \$2,500 or less from certain of these certifications. The total of the exemption cannot exceed \$7,500 per department, per year from each business.</p> <p>Among the requirements exempted under SB 828 are those requiring that:</p> <ul style="list-style-type: none"> • the contractor certify that it will provide a drug-free workplace; • it has not provided goods under the contract that were produced under specified prohibited labor conditions; • in the case of contracts for the sale or lease of covered electronic devices or cell phones, the contractor has complied with specified provisions of law; • it is not in violation of an order from the National Labor Relations Board. • it provide a seller's permit or certificate of registration that was issued under the State Sales and Use Tax Law; • it is not an expatriate corporation; • it does not discriminate • contractors and subcontractors to give written notice of their obligations under the clause to labor organizations.
<i>View the complete Bill at:</i>	http://www.leginfo.ca.gov/pub/bill/sen/sb_0801-0850/sb_828_bill_20050929_chaptered.html
<i>Affected California Code Section(s)</i>	Government Code §§8355, 12990, 14851 Public Contract Code §§6108,10286.1, 10295.1, 10296 Public Resources Code §§42480, 42498

SB 115 - Florez Chapter 451, Statutes of 2005	
<i>Topic:</i>	California Disabled Veteran Business Enterprise Program
<i>What it Does:</i>	This bill authorizes the DGS to create incentives to be used in evaluating bids for prime bidders to find qualified DVBEs to participate in contracts. Bidders who include DVBEs in their contracts will receive more points than bidders who simply go through the “Good Faith Effort” (an effort that allows bidders to document certain steps, showing that they searched for qualified DVBEs to participate in their contract) without finding a DVBE to participate. The bill does not eliminate the Good Faith Effort.
<i>What’s Next:</i>	DGS will be developing policies and procedures. Watch this Web site for further information.
<i>View the complete Bill at:</i>	http://www.leginfo.ca.gov/pub/bill/sen/sb_0101-0150/sb_115_bill_20051003_chaptered.html
<i>Affected California Code Section(s):</i>	Government Code §14845 Military and Veterans Code §§999, 999.5, 999.7, 999.11, 999.12

SB 954 – Figueroa Chapter 556, Statutes of 2005	
<i>Topic:</i>	Information Technology Procurement Guidelines
<i>What it Does:</i>	Requires the Department of General Services to develop policies and guidelines for the procurement of Information Technology goods and services by January 1, 2007. It further requires the DGS to establish a centralized entity responsible for information technology procurement methods within DGS.
<i>What’s Next:</i>	The DGS will be holding public hearings for input into this process. Watch this Web site for updates.
<i>View the complete Bill at:</i>	http://www.leginfo.ca.gov/pub/bill/sen/sb_0951-1000/sb_954_bill_20051005_chaptered.html
<i>Affected California Code Section(s):</i>	Public Contract Code 12103.5, 12104, 12104.5