

AMENDED IN ASSEMBLY MARCH 13, 2008

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 3020

Introduced by Assembly Member Salas

February 22, 2008

~~An act to amend Section 14839 of the Government Code, relating to small business programs. An act to repeal and add Section 10106 of the Public Contract Code, relating to public contracts.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 3020, as amended, Salas. ~~Small business programs: National Guard members. State Contract Act: definition: department.~~

The State Contract Act generally governs contracting between state agencies and private contracts. Existing law authorizes specified departments to enter into contracts for public works. The specified departments are the Department of Water Resources, the Department of General Services, the Department of Boating and Waterways, the Department of Corrections and Rehabilitation, and the Department of Transportation.

This bill would expand the definition of "department" for purposes of contracting for a public work to include the Military Department.

~~Existing law, the Small Business Procurement and Contract Act, establishes the Office of Small Business and Disabled Veteran Business Enterprise Services within the Department of General Services and assigns to it various duties to assist small businesses and disabled veteran business enterprises, as defined, in contracting with the state.~~

~~This bill would add National Guard members who qualify as owning a small business or microbusiness to the population assisted by the office in contracting with the state.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 10106 of the Public Contract Code is*
2 *repealed.*
3 ~~10106. “Department,” as used in this part, means (a) the~~
4 ~~Department of Water Resources as to any project under the~~
5 ~~jurisdiction of that department, (b) the Department of General~~
6 ~~Services as to any project under the jurisdiction of that department,~~
7 ~~(c) the Department of Boating and Waterways as to any project~~
8 ~~under the jurisdiction of that department pursuant to Article 2.5~~
9 ~~(commencing with Section 65) of Chapter 2 of Division 1 of the~~
10 ~~Harbors and Navigation Code, (d) the Department of Corrections~~
11 ~~with respect to any project under its jurisdiction pursuant to Chapter~~
12 ~~11 (commencing with Section 7000) of Title 7 of Part 3 of the~~
13 ~~Penal Code, and (e) the Department of Transportation as to all~~
14 ~~other projects.~~
15 ~~“Director,” as used in this part, means the director of each~~
16 ~~department as defined herein respectively.~~
17 SEC. 2. *Section 10106 is added to the Public Contract Code,*
18 *to read:*
19 10106. *For purposes of this part:*
20 (a) *“Department” means any of the following:*
21 (1) *The Department of Water Resources as to any project under*
22 *the jurisdiction of that department.*
23 (2) *The Department of General Services as to any project under*
24 *the jurisdiction of that department.*
25 (3) *The Department of Boating and Waterways as to any project*
26 *under the jurisdiction of that department pursuant to Article 2.5*
27 *(commencing with Section 65) of Chapter 2 of Division 1 of the*
28 *Harbors and Navigation Code.*
29 (4) *The Department of Corrections and Rehabilitation with*
30 *respect to any project under its jurisdiction pursuant to Chapter*
31 *11 (commencing with Section 7000) of Title 7 of Part 3 of the Penal*
32 *Code.*
33 (5) *The Military Department as to any project under the*
34 *jurisdiction of that department.*
35 (6) *The Department of Transportation as to all other projects.*

1 (b) “Director” means the director of each department as defined
2 herein respectively.

3 SECTION 1. ~~Section 14839 of the Government Code is~~
4 ~~amended to read:~~

5 14839. ~~There is hereby established within the department, the~~
6 ~~Office of Small Business and Disabled Veteran Business Enterprise~~
7 ~~Services. The duties of the office shall include the following:~~

8 (a) ~~Compiling and maintaining a comprehensive bidders list of~~
9 ~~qualified small businesses, members of the National Guard who~~
10 ~~qualify as owning a small business, and disabled veteran business~~
11 ~~enterprises, and noting which small businesses also qualify as~~
12 ~~microbusinesses.~~

13 (b) ~~Coordinating with the Federal Small Business~~
14 ~~Administration, the Minority Business Development Agency, and~~
15 ~~the Office of Small Business Development of the Department of~~
16 ~~Economic and Business Development.~~

17 (c) ~~Providing technical and managerial aids to small businesses,~~
18 ~~microbusinesses, members of the National Guard who qualify as~~
19 ~~owning a small business or a microbusiness, and disabled veteran~~
20 ~~business enterprises, by conducting workshops on matters in~~
21 ~~connection with government procurement and contracting.~~

22 (d) ~~Assisting small businesses, microbusinesses, members of~~
23 ~~the National Guard who qualify as owning a small business or a~~
24 ~~microbusiness, and disabled veteran business enterprises, in~~
25 ~~complying with the procedures for bidding on state contracts.~~

26 (e) ~~Working with appropriate state, federal, local, and private~~
27 ~~organizations and business enterprises in disseminating information~~
28 ~~on bidding procedures and opportunities available to small~~
29 ~~businesses, microbusinesses, members of the National Guard who~~
30 ~~qualify as owning a small business or a microbusiness, and disabled~~
31 ~~veteran business enterprises.~~

32 (f) ~~Making recommendations to the department and other state~~
33 ~~agencies for simplification of specifications and terms in order to~~
34 ~~increase the opportunities for small business, microbusiness,~~
35 ~~members of the National Guard who qualify as owning a small~~
36 ~~business or a microbusiness, and disabled veteran business~~
37 ~~enterprise participation.~~

38 (g) ~~Developing, by regulation, other programs and practices~~
39 ~~that are reasonably necessary to aid and protect the interest of small~~
40 ~~businesses, microbusinesses, members of the National Guard who~~

1 qualify as owning a small business or a microbusiness, and disabled
2 veteran business enterprises in contracting with the state.

3 (h) ~~Making efforts to develop, in cooperation with associations~~
4 ~~representing counties, cities, and special districts, a core statewide~~
5 ~~small business certification application that may be adopted by all~~
6 ~~participating entities, with any supplemental provisions to be added~~
7 ~~as necessary by the respective entities.~~

8 (i) ~~The information furnished by each contractor requesting a~~
9 ~~small business or microbusiness preference shall be under penalty~~
10 ~~of perjury.~~