



**Department of General Services  
Procurement Division**

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**TO: Purchasing Authority Contacts (PACs)  
Procurement and Contracting Officers (PCOs)  
Small Business and Disabled Veteran Business Enterprise Advocates**

**RE: Important Information About Various Contracting Reports**

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This broadcast introduces the new Contract Reports Coordinator for the Department of General Services (DGS); and provides additional information about various contracting reports for Small Business (SB), microbusiness (MB) and Disabled Veteran Business Enterprise (DVBE) and consulting services:

**DGS' new Contract Reports Coordinator** is Ron Wright. Ron's contact information is:

Ron Wright, DGS Contract Reports Coordinator  
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Procurement Division  
Office of Small Business and DVBE Services (OSDS)  
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**Report Reminders :**

**2004-05 Annual reports**

In September 2005, the Fiscal Year 2004-05 annual contracting activity reports for SB/MB and DVBE (the Std. 810) and any separate (DVBE and/or SB/MB) Improvement Plan(s) if either SB or DVBE goals were not achieved were due to the DGS Report Coordinator. In addition to the statewide reports that the DGS prepares, **the report laws specifically require each awarding department to separately notify various governmental entities** listed on the distribution list cited on the Web site **by January 1, 2006**. As a reminder, if you have not yet sent copies of the reports, please do so immediately. The distribution lists are available on the OSDS Web site (see below).

## Mid-Year SB/MB and DVBE reports

The deadline for the mid-year reports for both SB/MB and DVBE contracting activity (Std. 810) must be submitted to the DGS Reports Coordinator by **February 1, 2006**. The mid-year reports should reflect all reportable contracts issued from July 1, 2005, through December 31, 2005. **NOTE:** Mid-Year reports are not submitted to other governmental entities – just the DGS Reports Coordinator – to help ensure departments are on track to meet their goals by year end.

## Elimination of Ethnicity, Race, Gender (ERG) and Minority Business Enterprise/Women Business Enterprise (MBE/WBE) Reports

Some departments have been inquiring about the Ethnicity, Race and Gender (ERG) reports and MBE/WBE reports identified in Public Contract Code (PCC) Sections 10115.15 and 10116. These are **not required**. This is the result of the following electoral, legislative, and judicial actions:

- Proposition 209 modified the California Constitution to make contracting on the basis of race and gender unconstitutional.
- Proposition 209 was upheld by the Ninth Circuit Court of Appeals case, *Monterey Mechanical*, that determined MBE/WBE contracting was unconstitutional. The effect on PCC Section 10115.15 was to leave the DVBE program intact.
- See also Management Memo (MM) 98-04 (dated 3/10/98) for additional information on Proposition 209 and *Monterey Mechanical*. The MM is available at [www.dgs.ca.gov](http://www.dgs.ca.gov) (click on SAM Management Memos on left side of the navigation bar).
- Assembly Bill (AB) 79 (Statutes of 2004) created a report moratorium and suspended the ERG reports until 2008.
- AB 139 (Chapter 74, Statutes of 2005) **repealed** Government Code Section 11139.8 and PCC Section 10116 for reports due on January 1, 2007, for Fiscal Year 2005-2006 (see Sections 30 and 63 of the bill respectively).

## Upcoming SB/MB and DVBE Report Changes

**SB/MB and DVBE Contracting Activity Reports-** DGS will be modifying the Std. 810 form to reflect recent statutory changes effected by AB 139. Departments are encouraged to begin collecting information for the Fiscal Year 2005-06 report in anticipation of the form change. The changes are:

- DGS will discontinue separate reporting for SB/MB and DVBE for transactions under \$25,000; and
- **Information Technology** (goods/commodities and services) transactions will be a **new category** (previously reported under both goods/commodities or services).

## Upcoming Consulting Services Report Changes

DGS will be consolidating information on consulting services with the SB/MB and DVBE reports as required by AB 139 for Fiscal Year 2005-2006. This may require a change to

the form used to collect the data or replacement of the form and use of the State Contract and Procurement Registration System (SCPRS) to automate data collection.

For questions, please contact the Reports Coordinator using the contact information provided above. Information about report requirements, due dates, forms, instructions and required distribution is available on the OSDS Web site at:

<https://www.dgs.ca.gov/PD/Services/Page-Content/Procurement-Division-Services-List-Folder/File-a-Consolidated-Annual-Report>.

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