

SixTen and Associates Mandate Reimbursement Services

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October 5, 2007



Paula Higashi, Executive Director
Commission on State Mandates
U.S. Bank Plaza Building
980 Ninth Street, Suite 300
Sacramento, California 95814

Re: No. CSM. 02-TC -35
Public Contracts (K-14)

Dear Ms. Higashi:

Please find enclosed a supplement to the test claim filing, specifically, a history of the Title 5, CCR, sections included in the test claim.

Sincerely,

Keith B. Petersen

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8 BEFORE THE
9 COMMISSION ON STATE MANDATES
10 STATE OF CALIFORNIA

11	Supplement to the:)	No. CSM. 02-TC -35
12)	
13	Test Claim Filed June 24, 2003 by:)	
14)	<u>Public Contracts (K-14)</u>
15)	
16	Clovis Unified School District)	History Index for
17)	Title 5, California Code of Regulations
18	and)	
19)	Section 59500
20	Santa Monica Community College)	Section 59504
21)	Section 59505
22	District)	Section 59506
23)	Section 59509
24	_____)	

25
26 REQUEST FOR SUPPLEMENTAL INFORMATION

27 This supplement to the test claim provides an index and copy of each change to
28 the Title 5, CCR, sections included in the test claim. The Registers cited are attached
29 as Exhibit A. Amended language is underlined (new language) or stricken out (deleted
30 language).

31 HISTORY OF TITLE 5, CCR, SECTIONS INCLUDED IN THE TEST CLAIM

32 **Register 80-40** Added §§ 59500 - 59503. The subject matter is not related to this
33 mandate.

34 **Register 88-16** Repealed §§ 59500 - 59503. The subject matter is not related to

1 this mandate.

2 **Register 94-06** Added §§ 59500, 59504 - 59506, 59509.

3 **Register 98-18** Amended:

4 § 59500: Editorial correction removing duplicative sections and
5 amending HISTORY 1.

6 Subsequent Registers: There may be changes to the regulations after the date the
7 test claim was filed, which are not included.

8 /

9 /

10 CERTIFICATION

11 By my signature below, I hereby declare, under penalty of perjury under the laws
12 of the State of California, that the information in this document is true and complete to
13 the best of my own knowledge or information or belief, and that the attached regulations
14 are true and correct copies of documents from archives of a recognized law library.

15 EXECUTED this 3 day of October 2007, at Sacramento, California

16 

17 FOR THE TEST CLAIMANT

18 Keith Petersen, President

19 SixTen and Associates

20 ATTACHMENT

21 Exhibit A Title 5, CCR Registers

Register 80-40

§§ 59500 - 59503

**CHAPTER 1. STANDARDS FOR THE DETERMINATION OF
PROPORTIONAL LEVEL OF SERVICE FOR ADULT NONCREDIT
PROGRAMS FOR SUBSTANTIALLY HANDICAPPED PERSONS**

59500. Purpose.

These standards are established pursuant to Section 84730 of the Education Code, which requires the Chancellor to adopt standards for the determination of proportional level of service for adult noncredit programs for substantially handicapped persons.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY:

1. New Chapter 1 (Sections 59500-59503) filed 10-3-80; effective thirtieth day thereafter (Register 80, No. 40).

59501. Substantially Handicapped Persons.

"Substantially handicapped persons" are those who have handicaps which are likely to continue indefinitely or for a prolonged period and whose handicap results in substantial functional limitations in one or more of the following activities: self-care, receptive or expression language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

59502. Proportional Level of Service.

Adult noncredit programs offered during the regular academic year and summer for substantially handicapped persons shall be maintained at the following levels:

(a) Each district shall make available to such program at least an amount of revenue which is equal to: the 1979-80 required funding level for such programs divided by the 1979-80 total funding level for the district, as computed by the Chancellor, times the current year's total funding level for the district.

(b) Each district shall maintain at least 85 percent of 1977-78 average daily attendance level for adult noncredit programs for substantially handicapped persons; provided that this percentage may be reduced by the Chancellor if:

(1) A program is changed, with prior approval of the Chancellor, to better meet student needs and program objectives; or

(2) A program is altered, with prior approval of the Chancellor, to comply with legal requirements.

(c) The requirements of subsections (a) and (b) may be waived for a district by the Chancellor if it is found that the local demand for a program is less than the required proportional level of service. The Chancellor shall develop a form for such waivers, which form shall require certification by the district as to lack of demand.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

59503. Withholding.

No community college district providing adult noncredit programs for substantially handicapped persons shall receive any apportionment from the State School Fund unless the district maintains a proportional level of service in such programs or is granted a waiver, as specified in Section 59502.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

Register 88-16

§§ 59500 - 59503

DIVISION 11. REGULATIONS OF THE CHANCELLOR

**CHAPTER 1. STANDARDS FOR THE DETERMINATION OF
PROPORTIONAL LEVEL OF SERVICE FOR ADULT NONCREDIT
PROGRAMS FOR SUBSTANTIALLY HANDICAPPED PERSONS**

59500. Purpose.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY:

1. New Chapter 1 (Sections 59500-59503) filed 10-3-80; effective thirtieth day thereafter (Register 80, No. 40).
2. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

59501. Substantially Handicapped Persons.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY:

1. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

59502. Proportional Level of Service.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY:

1. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

59503. Withholding.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY:

1. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

Register 94-06

§ 59500
§ 59504
§ 59505
§ 59506
§ 59509

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Renumbering and amendment of former section 53530 to section 59422 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 59424. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

If all the territory of any reorganized district becomes part of two or more districts, and the inclusion in the two or more districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

(a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.

(b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of students shall be transferred to the district which, after the date on which the reorganization becomes effective for all purposes, maintains the college in which a student was last enrolled.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Renumbering and amendment of former section 53540 to section 59424 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Subchapter 9. Minority, Women, and Disabled Veteran Business Enterprise Participation Goals for the California Community Colleges

§ 59500. Scope of Subchapter.

(a) The California Community Colleges shall provide opportunities for minority, women, and disabled veteran business enterprise participation in the award of district contracts consistent with this Subchapter. The statewide goal for such participation is not less than 15 percent minority business enterprise participation, not less than 5 percent women business enterprise participation, and not less than 3 percent disabled veteran business enterprise participation of the dollar amount expended by all districts each year for construction, professional services, materials, supplies, equipment, alteration, repair, or improvement. However, each district shall have flexibility to determine whether or not to seek participation by minority, women, and disabled veteran business enterprises for any given contract.

(b) Nothing in this Subchapter authorizes any district to discriminate in awarding contracts on the basis of ethnic group identification, ancestry, religion, age, sex, race, color, or physical or mental disability.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New subchapter 9 and section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59502. Definitions.

The definitions set forth in Subsections (d), (e), and (f) of Section 10115.1 of the Public Contract Code, as they may be amended from time to time, apply to this Subchapter and are incorporated herein as though fully set forth in addition, for purposes of this Subchapter:

(a) "Certification" means a process to identify minority, women, and disabled veteran business enterprises.

(b) "Contract" includes any agreement or joint development agreement to provide labor, services, material, supplies, or equipment in the performance of a contract, franchise, concession, or lease granted, let, or awarded for and on behalf of the district. The term "contract" does not include payments to utility companies or purchases, leases or services secured through other public agencies and corporations, the Department of General Services, or the federal government pursuant to Public Contract Code sections 20652 and 20653 and Education Code Section 81653;

(c) "Contractor" means any person or persons, regardless of ethnic group identification, ancestry, religion, sex, race, or color, or any firm, partnership, corporation, or combination thereof, whether or not a minority, women, and disabled veteran business enterprise, who enters into a contract with a district.

(d) "District" means any community college district, board of trustees or officer, employee, or agent of such a district or board empowered to enter into contracts on behalf of the district.

(e) "MBE/WBE/DVBE" means a minority business enterprise, a women business enterprise, and/or a disabled veteran business enterprise. Although a business enterprise may qualify under multiple categories, the entry shall be designated in one specific category for the purposes of these regulations.

(f) "Goal" means a numerically expressed objective for systemwide MBE/WBE/DVBE participation that districts are expected to contribute to achieving. Goals are not quotas, set-asides, or rigid proportions.

(g) "Disabled veteran business enterprise" means a business enterprise certified as a disabled veteran business enterprise by the Office of Small and Minority Business, pursuant to Military and Veterans Code Section 999, or a business enterprise that certifies that it has met such standards. NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59504. Efforts by Districts.

Each district shall undertake appropriate efforts to provide participation opportunities for minority, women, and disabled veteran business enterprises in district contracts. Appropriate efforts may include vendor and service contractor orientation programs related to participating in district contracts or in understanding and complying with the provisions of this Subchapter, developing a listing of minority, women, and disabled veteran business enterprises potentially available as contractors or suppliers, or such other activities they may assist interested parties in being considered for participation in district contracts. Districts shall also undertake efforts to contribute to achievement of the systemwide goals established in Section 59500 by seeking minority, women, and disabled veteran business enterprises as contractors for such contracts as the district may deem appropriate pursuant to Section 59505.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59505. Application of Participation Goals.

(a) If a district elects to apply MBE/WBE/DVBE goals to any contract which is to be awarded to the lowest responsible bidder, bidding notices shall include a statement that at the time of bid opening, bidders shall be considered responsive only if they document to the satisfaction of the district that they meet or have made a good faith effort to meet minority, women, and disabled veteran business enterprise participation goals.

(b) A responsive bidder documents a good faith effort to meet the participation goals if, in connection with the submission of a bid, the bidder provides evidence satisfactory to the district that efforts were made to seek out and consider minority, women, and disabled veteran business

enterprises as potential subcontractors, materials and/or equipment suppliers, or both subcontractors and/or suppliers.

(c) The district may also elect to seek minority, women, and disabled veteran business enterprises to serve as contractors for any other contractors not covered by subsection (a).

(d) The district shall assess the status of each of its contractors and, if the contractor is a certified or self-certified minority, women, and disabled veteran business enterprise subcontractors and/or suppliers to the satisfaction of the district, the district may include the actual dollar amount attributable to minority, women, and disabled veteran business enterprise participation in reporting its participation activity pursuant to Section 59509.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59506. Certification.

(a) Each district shall establish a process to collect and retain certification information provided by a business enterprise claiming minority, women, and disabled veteran business enterprise status.

(b) The process described in subsection (a) shall include notification to responsive bidders subject to Section 59505(a) of the requirements for qualification as a responsive bidder.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59508. Enforcement of Contracts and Severability Provision.

(a) Notwithstanding any other provision of this Subchapter, the participation goals established herein shall not affect the validity or enforceability of any contract or any bonds, notes or other obligations issued by the district to provide for the payment of any contract subject to this Subchapter.

(b) If any provision of this Subchapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the Subchapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Subchapter are severable.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59509 Monitoring of Participation Goals.

Each district shall monitor its participation as specified in this Subchapter. Beginning October 15, 1994, and by each October 15 thereafter, each district shall report to the Chancellor the level of participation by minority, women, and disabled veteran business enterprises pursuant to this Subchapter for the previously completed fiscal year. Even if a district elects not to apply minority, women, and disabled veteran business enterprise goals to one or more particular contract(s), all such contracts shall be reported to the Chancellor and shall be taken into account in determining whether the community college system as a whole has achieved the goals set forth in Section 59500.

The Chancellor shall prescribe forms to be used by the districts in making their yearly reports.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

Chapter 11. Regulations of the Chancellor

Subchapter 1. Standards for the Determination of Proportional Level of Service for Adult Noncredit Programs for Substantially Handicapped Persons

§ 59500. Purpose.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY

1. New Chapter 1 (Sections 59500-59503) filed 10-3-80; effective thirtieth day thereafter (Register 80, No. 40).
2. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

§ 59501. Substantially Handicapped Persons.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY

1. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

§ 59502. Proportional Level of Service.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY

1. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

§ 59503. Withholding.

NOTE: Authority cited: Section 84730, Education Code. Reference: Section 84730, Education Code.

HISTORY

1. Repealer filed 3-29-88; operative 4-28-88 (Register 88, No. 16).

* * *

Register 98-18

§ 59500

Subchapter 8. District Reorganization

§ 59420. Newly Formed District.

A community college district is a newly formed district up to the close of the fiscal year in which its formation became effective for all purposes. **NOTE:** Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. New subchapter 8 and section filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 59422. Use of Bond Proceeds.

When the territory of a district is reorganized, any funds derived from the sale of the bonds issued by the former district shall be used for the acquisition, construction, or improvement of college property only in the territory which comprised the former district or to discharge the bonded indebtedness of the former district, except that if the bonded indebtedness is assumed by the new district, the funds may be used in any area of the new district for the purposes for which the bonds were originally voted. **NOTE:** Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Renumbering and amendment of former section 53530 to section 59422 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

§ 59424. Territory of District Becoming Part of Two or More Districts; Disposition of Records.

If all the territory of any reorganized district becomes part of two or more districts, and the inclusion in the two or more districts of the several portions of territory comprising the whole of the original district is effective for all purposes on the same date, the records of the original district shall be disposed of as follows:

(a) All records of the original district which are required by law to be kept on file shall be deposited with the governing board of the district which, after the reorganization has become effective for all purposes, has located within its boundaries the former office of the superintendent of the original district.

(b) Records of employees shall be transferred to the district thereafter employing the personnel or thereafter maintaining the last place of employment.

(c) Records of students shall be transferred to the district which, after the date on which the reorganization becomes effective for all purposes, maintains the college in which a student was last enrolled.

NOTE: Authority cited: Sections 66700 and 70901, Education Code. Reference: Section 70901, Education Code.

HISTORY

1. Renumbering and amendment of former section 53540 to section 59424 filed 5-15-93; operative 6-4-93 (Register 93, No. 25).

Subchapter 9. Minority, Women, and Disabled Veteran Business Enterprise Participation Goals for the California Community Colleges

§ 59500. Scope of Subchapter.

(a) The California Community Colleges shall provide opportunities for minority, women, and disabled veteran business enterprise participation in the award of district contracts consistent with this Subchapter. The statewide goal for such participation is not less than 15 percent minority business enterprise participation, not less than 5 percent women business enterprise participation, and not less than 3 percent disabled veteran business enterprise participation of the dollar amount expended by all districts each year for construction, professional services, materials, supplies, equipment, alternation, repair, or improvement. However, each district shall have flexibility to determine whether or not to seek partici-

pation by minority, women, and disabled veteran business enterprises for any given contract.

(b) Nothing in this Subchapter authorizes any district to discriminate in awarding contracts on the basis of ethnic group identification, ancestry, religion, age, sex, race, color, or physical or mental disability.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New subchapter 9 and section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6). For prior history of former chapter 11 (sections 59500-59503), see Register 88, No. 16.
2. Editorial correction removing duplicative sections and amending HISTORY 1 (Register 98, No. 18).

§ 59502. Definitions.

The definitions set forth in Subsections (d), (e), and (f) of Section 10115.1 of the Public Contract Code, as they may be amended from time to time, apply to this Subchapter and are incorporated herein as though fully set forth in addition, for purposes of this Subchapter:

(a) "Certification" means a process to identify minority, women, and disabled veteran business enterprises.

(b) "Contract" includes any agreement or joint development agreement to provide labor, services, material, supplies, or equipment in the performance of a contract, franchise, concession, or lease granted, let, or awarded for and on behalf of the district. The term "contract" does not include payments to utility companies or purchases, leases or services secured through other public agencies and corporations, the Department of General Services, or the federal government pursuant to Public Contract Code sections 20652 and 20653 and Education Code Section 81653;

(c) "Contractor" means any person or persons, regardless of ethnic group identification, ancestry, religion, sex, race, or color, or any firm, partnership, corporation, or combination thereof, whether or not a minority, women, and disabled veteran business enterprise, who enters into a contract with a district.

(d) "District" means any community college district, board of trustees or officer, employee, or agent of such a district or board empowered to enter into contracts on behalf of the district.

(e) "MBE/WBE/DVBE" means a minority business enterprise, a women business enterprise, and/or a disabled veteran business enterprise. Although a business enterprise may qualify under multiple categories, the entry shall be designated in one specific category for the purposes of these regulations.

(f) "Goal" means a numerically expressed objective for systemwide MBE/WBE/DVBE participation that districts are expected to contribute to achieving. Goals are not quotas, set-asides, or rigid proportions.

(g) "Disabled veteran business enterprise" means a business enterprise certified as a disabled veteran business enterprise by the Office of Small and Minority Business, pursuant to Military and Veterans Code Section 999, or a business enterprise that certifies that it has met such standards.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59504. Efforts by Districts.

Each district shall undertake appropriate efforts to provide participation opportunities for minority, women, and disabled veteran business enterprises in district contracts. Appropriate efforts may include vendor and service contractor orientation programs related to participating in district contracts or in understanding and complying with the provisions of this Subchapter, developing a listing of minority, women, and disabled veteran business enterprises potentially available as contractors or suppliers, or such other activities they may assist interested parties in being considered for participation in district contracts. Districts shall also undertake efforts to contribute to achievement of the systemwide goals established in Section 59500 by seeking minority, women, and disabled

veteran business enterprises as contractors for such contracts as the district may deem appropriate pursuant to Section 59505.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59505. Application of Participation Goals.

(a) If a district elects to apply MBE/WBE/DVBE goals to any contract which is to be awarded to the lowest responsible bidder, bidding notices shall include a statement that at the time of bid opening, bidders shall be considered responsive only if they document to the satisfaction of the district that they meet or have made a good faith effort to meet minority, women, and disabled veteran business enterprise participation goals.

(b) A responsive bidder documents a good faith effort to meet the participation goals if, in connection with the submission of a bid, the bidder provides evidence satisfactory to the district that efforts were made to seek out and consider minority, women, and disabled veteran business enterprises as potential subcontractors, materials and/or equipment suppliers, or both subcontractors and/or suppliers.

(c) The district may also elect to seek minority, women, and disabled veteran business enterprises to serve as contractors for any other contracts not covered by subsection (a).

(d) The district shall assess the status of each of its contractors and, if the contractor is a certified or self-certified minority, women, and disabled veteran business enterprise subcontractors and/or suppliers to the satisfaction of the district, the district may include the actual dollar amount attributable to minority, women, and disabled veteran business enterprise participation in reporting its participation activity pursuant to Section 59509.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59506. Certification.

(a) Each district shall establish a process to collect and retain certification information provided by a business enterprise claiming minority, women, and disabled veteran business enterprise status.

(b) The process described in subsection (a) shall include notification to responsive bidders subject to Section 59505(a) of the requirements for qualification as a responsive bidder.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59508. Enforcement of Contracts and Severability Provision.

(a) Notwithstanding any other provision of this Subchapter, the participation goals established herein shall not affect the validity or enforceability of any contract or any bonds, notes or other obligations issued by the district to provide for the payment of any contract subject to this Subchapter.

(b) If any provision of this Subchapter or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the Subchapter which can be given effect without the invalid provision or application, and to this end, the provisions of this Subchapter are severable.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

§ 59509. Monitoring of Participation Goals.

Each district shall monitor its participation as specified in this Subchapter. Beginning October 15, 1994, and by each October 15 thereafter, each district shall report to the Chancellor the level of participation by minority, women, and disabled veteran business enterprises pursuant to this Subchapter for the previously completed fiscal year. Even if a district elects not to apply minority, women, and disabled veteran business enterprise goals to one or more particular contract(s), all such contracts shall be reported to the Chancellor and shall be taken into account in determining whether the community college system as a whole has achieved the goals set forth in Section 59500.

The Chancellor shall prescribe forms to be used by the districts in making their yearly reports.

NOTE: Authority cited: Sections 66700, 70901 and 71028, Education Code. Reference: Section 71028, Education Code; Article 1.5, Chapter 1, Part 1, Public Contract Code.

HISTORY

1. New section filed 12-29-93; operative 1-28-94. Submitted to OAL for printing only (Register 94, No. 6).

* * *