

# State of California

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## Legislative Change No.

**99-29**

Bill Number: AB 150

Author: Aroner

Chapter Number: 99-479

Laws Affecting Franchise Tax Board:

Welfare and Institutions Code Section 10080, 10081, 10082, 10083, 10084, 10090, 10091, and 10092.

Date Filed with the Secretary of the State: September 27, 1999

### SUBJECT:

**Assembly Bill 150 (Aroner), as enacted on September 27, 1999, made the following changes to California law.**

**As an urgency statute, this act takes effect and is operative September 27, 1999.**

Section 10080 is added to the Welfare and Institutions Code.

This act expresses the Legislature's findings and declaration that the Franchise Tax Board (FTB), as an agent for the state agency designated as the single state agency responsible for operating the child support enforcement program (designated state agency\*), is responsible for the procurement, development, implementation and maintenance of the single statewide automated system in accordance with the state's child support plan.

\* Currently, the designated state agency is the Department of Social Services. Effective January 1, 2000, the designated state agency will be the Department of Child Support Services (AB 196; Stats. 99 Ch. 478).

Section 10082 is added to the Welfare and Institutions Code.

This act provides that the designated state agency, through the FTB, is responsible for the procurement, development, implementation and maintenance of the California Child Support Automation System (CCSAS), which is the single statewide automated system operative in all California counties. The CCSAS must include the State Case Registry, the State Disbursement Unit and all other necessary data bases and interfaces. The system must provide for the sharing of all data and case files, standardized functions across all of the counties, timely and accurate payment processing and centralized payment disbursement from a single location in the state. The system may be built in phases with payment contingent on acceptance of agreed upon deliverables. Once the system is operational, additional payments may be made to the vendors for predefined levels of higher performance. (Subdivision a.)

The FTB is not responsible for ongoing interim automation activities, including Year 2000 remediation efforts and system conversions. (Subdivision b.)

Bureau Director

Johnnie Lou Rosas

Date

10/28/1999

All state agencies are required to cooperate with the FTB to expedite the procurement, development, implementation and operation of the CCSAS and delegate to the FTB to the full extent possible, all functions, including acquisition authority, that will assist the FTB. All state agencies are required to give review processes affecting the CCSAS their highest priority and expedite these review processes. (Subdivision f.)

The FTB is required to employ the expertise needed for the successful and efficient implementation of the single statewide child support automation system and is provided three Career Executive Assignment Level 2 positions. FTB may enter into personal services agreements with one or more persons, at the prevailing market rates for the kind or quality of services furnished, provided the agreements do not cause the net displacement of civil service employees. (Subdivision g.)

All funds appropriated to the FTB for purposes of this act shall be used in a manner consistent with the authorized budget without any other limitations. (Subdivision h.)

The designated state agency and the FTB must consult with local child support agencies and child support advocates on the implementation of the CCSAS. (Subdivision i.)

Through December 31, 2000, the designated state agency is allowed to implement this act through family support division letters or similar instructions. Any emergency regulations filed on or before January 1, 2002, and adopted by the designated state agency to implement this act are deemed to be emergency regulations. (Subdivision j.)

Section 10083 is added to the Welfare and Institutions Code.

This act requires FTB, as agent for the designated state agency, to develop a procurement plan that would employ techniques proven successful in FTB's previous technology efforts, incorporate where possible best practices from other government jurisdictions, and take into consideration the events and circumstances that contributed to the failure of the former statewide automated child support system known as SACSS. (Subdivision a.)

Before procurement, the designated state agency and the FTB must develop a project charter approved by the executive officer and others specified. The project charter must include governance structure, business requirements, project scope, performance measures, contract authority, and all other elements the department and the FTB find necessary to manage the procurement, development, implementation, and operation of the CCSAS successfully. (Subdivision b.)

The procurement plan, subject to federal approval, must include elements that accomplish the following tasks: provide full and open competition among pre-qualified vendors based on successful past performances and implementation of similar systems; specify business outcomes to be achieved; allow a period of confidential discussion and discovery to develop and refine potential solutions to best meet the business needs; maximize the potential for competition and reduce implementation time; structure the plan to maintain maximum vendor commitment to project success and share risk with the private sector; select the solution based upon achieving the best solution and business performance measures; consider the future ability of the selected system to provide enhancements to improve long-term

effectiveness; base vendor payments primarily on achieving predefined performance measures. (Subdivision c.)

The CCSAS must incorporate technology that can be readily enhanced and modernized for the expected life of the system and take into consideration the employment of open architectures and standards in the candidate system. (Subdivision d.)

The FTB is allowed to contract with existing child support consultants to provide their current/related services and project management through the life of the child support automation project to help meet legislative time frames. (Subdivision e.)

Procurements associated with the CCSAS and any bid protest are subject to specific procedures: The FTB executive officer or his designee may consider and decide initial protest and such decisions are final; the lack of a final decision on a protest will not prevent a contract from being entering into nor will a protest prevent the commencement of work in accordance with the contract; protests are limited to participating bidders, must be filed within five days of the award, must be reviewed by the Department of General Services(DGS) within seven days of the filing and DGS must issue a ruling within 45 days from the filing; protest grounds are limited to solicitation procedure violations and so stated in the solicitation document with the protest procedures; and if the DGS finds the protest is clearly insufficient on its face, entirely without merit, or outside the permitted scope, DGS can make a final disposition of the protest, and any bidder filing such protest cannot participate in solicitations conducted under this section. (Subdivision f)

The State Auditor must monitor the evaluation and selection process and certify that, without bias or favoritism, the evaluation was based on the criteria contained in the solicitation document and the vendor(s) were chosen according to the methodology in the solicitation document. (Subdivision g.)

Section 10084 is added to the Welfare and Institutions Code.

The designated state agency is responsible for requiring each local child support agency to cooperate in establishing the CCSAS in every county and to enter into an annual automation cooperation agreement. FTB is to be consulted as to the terms of this annual agreement.

Section 10090 is added to the Welfare and Institutions Code.

The designated state agency and the FTB must at least twice annually report to interested person and organizations on the development and implementation of the CCSAS.

Section 10091 is added to the Welfare and Institutions Code.

The designated state agency, in consultation with the FTB, is responsible for establishing CCSAS development and implementation timelines as specified. The designated state agency and the FTB are required to report their progress in conjunction with the established timelines during the annual budget hearing process.

Section 10092 is added to the Welfare and Institutions Code.

The designated state agency, in consultation with the FTB, must provide uniform statewide training for state and local child support agency employees on the CCSAS at appropriate intervals and develop a training and reference manual to be disseminated to all local child support agency employees.