

October 2010

CMAS Contract Application Guide

(This packet supersedes all previous application guides)

- **Overview of the CMAS Program**
- **How to Develop & Submit a Contract Offer for a CMAS Contract**
- **Call CMAS for Information (916) 375-4363**



California Multiple Award Schedules
Procurement Division · Department of General Services
State of California

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CMAS CONTRACT APPLICATION GUIDE

SECTION 1 - OVERVIEW

How to Get Started

Review Sections 1 and 2 of this guide. Section 1 provides an overview of how the CMAS program functions, and Section 2 describes what information and documents must be submitted by the applicant to establish a CMAS contract. Please refer to the CMAS Contract Management and Information Guide for administrative requirements and information on renewing or extending a CMAS contract. These requirements apply after a CMAS contract has been awarded.

The Basis for CMAS Contracts

The State of California establishes multiple award contracts in accordance with Public Contract Code Sections 10290 et seq. and 12101.5 (effective January 1994).

CMAS contracts are not established through a competitive bid process conducted by the State of California. Because of this, all pricing, products and/or services offered must have been previously bid and awarded on a Federal GSA schedule.

To summarize, the [potential CMAS] contractor offers to provide products and/or services at prices based on an existing Federal GSA multiple award schedule. This schedule is referred to as the “base” contract. The State of California adds standard contract terms and conditions and procurement codes, policies and guidelines, which results in a CMAS contract.

For clarity, the CMAS Program does not “use” the GSA Authorized Federal Supply Service Schedule. Instead, we establish a totally independent California contract for the **same** products and services at equal or lower prices.

Once a CMAS contract is issued, the Contractor markets and distributes the contract, and provides CMAS with quarterly reports of all sales transactions.

Definition of Multiple Award Contract

A multiple award contract is one that is awarded to two or more contractors for the same or similar products and/or services at the same or similar prices. Multiple award does not pertain to the number of buyers who would be ordering from the contract, but rather the number of contractors receiving an award from a common bid process.

CMAS Contract Term

The term of a CMAS contract begins upon award by the CMAS Unit, and technically expires on the same date as the referenced Federal GSA schedule, however, we add three months to the GSA schedule end date to allow time for processing the CMAS contract renewal or extension.

CMAS contract renewals/extensions do not occur automatically when the term of the base GSA schedule is renewed or extended. It is the responsibility of the CMAS contractor to request the renewal or extension. (Refer to the CMAS Contract Management and Information Guide for renewal/extension information.)

Continued on next page

Section 1 - Overview, Continued

CMAS Contract Offer

Contractors can offer products, services, and prices from their own Federal GSA schedule. In addition, contractors can also offer products, services, and prices from a Federal GSA schedule held by another company. In this scenario, however, the contractor must provide written substantiation that they are:

- 1) Authorized to sell the products and provide the technical services being offered, or
- 2) Provide references to demonstrate their qualification to provide the consulting, personal, or technical (without products) services being offered. (Refer to Section 2 of this guide for the details of a CMAS contract offer).

Who Can Use CMAS Contracts?

State and local government agencies may use CMAS contracts unless the contractor explicitly stipulates in their CMAS contract offer that the contract is not available to local governments. A local government agency is any city, county, district, or other local governmental body, including the California State University (CSU) and University of California (UC) systems, K-12 public schools and community colleges empowered to expend public funds.

What is Available?

CMAS contracts are established for both information technology and non-information technology products and services.

What is Excluded?

The following products and services are not available through the CMAS program:

Products and Services from Other DGS-Procurement Division Contracts

Products, services and prices from an existing CMAS contract, statewide or master contract, or strategically sourced contract awarded by the DGS Procurement Division cannot be used as the basis of a CMAS contract offer.

Facility Planning, Registered Nursing, and Security Guard Services

By CMAS policy, the services noted cannot be procured via a CMAS contract.

Architectural, Construction, Engineering, and Environmental Services

Services are not allowed on CMAS that are required by law to be performed by a licensed architect, licensed registered engineer, licensed landscape architect, construction project manager, licensed land surveyor, or environmental services as defined in Government Code 4525. One exception is that the service of third party verification of greenhouse gas emission reports for existing facilities and operations is available on the CMAS Program.

If you have questions about Architectural, Construction, Engineering, and Environmental Services, the Department of General Services (DGS), Real Estate Services Division (RESA) can be contacted at (916) 376-1752.

Continued on next page

Section 1 - Overview, Continued

What is Excluded?
(continued)

Financial Audits

Government Code 8546.4(e) requires prior written approval from the State Controller and the Director of Finance for state agencies entering into contracts for financial auditing services. The approval shall state the reason for the contract and shall be filed with the State Auditor at least 30 days prior to the award of the contract.

Legal Services

Contracting for legal services by state agencies is controlled by statute (GC 11040) and requires Attorney General approval prior to entering into contracts with outside counsel. Additionally, Article VII of the California Constitution requires that state legal work be performed by state employees, absent limited exceptions (Government Code 19130). There are also policy-based approval requirements for all Executive Branch agencies that control the use of private counsel.

Public Works

Public works projects involve erection, construction, alteration, repair or improvement of a public structure as defined in Public Contract Code 1101. See the State Contracting Manual, Volume I, Sections 10 and 11 and the CMAS Contract Management and Information Guide for information on Public Works projects.

The DGS Real Estate Services Division (RESA) should be contacted for information on these types of transactions. For Architectural and Engineering, contact 916/376-1752. For Public Works, contact 916/376-1768.

Contractors Acting as Fiscal Agents are Prohibited

When a subcontractor ultimately performs all of the services that a prime contractor has agreed to provide, and the prime contractor only handles the invoicing of expenditures, then the prime contractor's role becomes that of a fiscal agent because it is merely administrative in nature. It is unacceptable to use fiscal agents in this manner because the agency is paying unnecessary administrative costs.

Protests

California code does not provide for formal protest of CMAS transactions. The individual ordering agency handles informal complaints. If necessary, customers may contact the CMAS Unit for assistance.

Contact Us

If you have questions, contact us at:

Department of General Services
Procurement Division – CMAS Unit
707 Third Street, 2nd Floor, MS #2-202
West Sacramento, CA 95605-2811

Phone: (916) 375-4363

Fax: (916) 375-4663

E-mail: cmas@dgs.ca.gov

Website: www.dgs.ca.gov/pd/programs/leveraged/cmas.aspx

SECTION 2 – CMAS CONTRACT OFFER

Overview A CMAS contract offer for either a new or renewal CMAS contract consists of the following three steps:

- Step 1: Find a base contract.
 - Step 2: Complete your CMAS contract offer (Exhibit A & Exhibit B).
 - Step 3: Complete the checklist (Exhibit C) and submit your offer.
-

Incomplete Submittals Ensure that all required documents are submitted with a CMAS contract offer, as incomplete submittals may be returned unprocessed.

STEP 1 – FIND A BASE CONTRACT

Find a Base GSA Contract The first step in developing a CMAS contract offer is to find a base Federal GSA multiple award schedule that contains the products, services and prices you want to offer. This base Federal GSA schedule can be held either by your company or by another company. A separate CMAS contract offer must be submitted for each base GSA schedule offered.

GSA Requirements The pricing for the products and/or services in the GSA schedule offered must be available at the GSA eLibrary or the schedule cannot be used as the base for a CMAS contract. Also, the terms & conditions for the base GSA schedule offered must be available at the GSA eLibrary.

A complete GSA schedule consists of the following components:

- Cover Page
- Ordering Instructions
- Terms & Conditions
- Product Descriptions
- Service Descriptions
- Pricing

For training class offers, the GSA must include the course descriptions. For each GSA course offered, the offeror must provide the same information for each of their courses offered to verify that their courses are substantially the same as the GSA courses. See Page 30 of this guide for more information on this subject.

GSA schedules for consulting services must have labor categories with

- Well defined functional requirements, and
 - Minimum experience requirements, and
 - Minimum education requirements
-

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Section 2 – CMAS Contract Offer, Continued

GSA Requirements
(continued)

For more GSA requirements and a listing of some GSA schedules that cannot be used as a basis for a CMAS contract, go to www.dgs.ca.gov/pd/programs/leveraged/cmas.aspx, then select the link entitled “For Suppliers/Contractors”.

Base GSA Schedule Considerations

Things to consider when selecting an appropriate Federal GSA schedule upon which to base your CMAS contract offer:

- It is not necessary to offer all of the products and or services on a GSA schedule, but in Exhibit B of this guide clearly identify the items offered.
 - Services such as installation, maintenance, and repair must be priced in the base GSA schedule to be included on a CMAS contract.
 - The GSA schedule offered must be active (not expired), and if possible, choose a schedule that will expire more than a year in the future.
-

Federal GSA Based Contracts

Submit one copy of the “Authorized Federal Supply Service Schedule Pricelist” that includes the offered products, services, and prices. (Exception: Offers for furniture must include two copies of the Federal GSA schedule.) To search for a Federal GSA schedule using the internet, go to: www.gsaelibrary.gsa.gov. See Exhibit J in the “CMAS Contract Management & Information Guide” for more information on this subject.

Non-GSA Based Contracts

Contact the CMAS Unit (see contact information on page 7) for information regarding CMAS offers based on non-GSA contracts.

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Section 2 – CMAS Contract Offer, Continued

STEP 2 – INSTRUCTIONS FOR COMPLETING CONTRACT OFFER

Overview of Contract Offer Complete your CMAS contract offer (Exhibit A) of this guide for your CMAS contract application. By signing Exhibit A, your firm is making a legal, binding offer for a CMAS contract to provide products and/or services to the State of California.

The instructions for completing Exhibit A are shown below.

Company Making Offer Provide your company name, street address (no P.O. Box), city, state, zip code, and company web address. If you wish to be shown on your CMAS contract as a “doing business as” (dba) instead of the company name as registered with the Secretary of State, include your dba name here. See the documentation required for a dba later on in Step 2.

Contract Offer This is a binding contract offer to the State of California, and if your company’s offer is accepted you will be sent a signed acceptance letter which completes the legal requirement needed to form a binding contract.

New or Renewal Offer A CMAS contract offer is considered a new offer if it is the first time a company has offered a particular base GSA schedule, or if their previous CMAS contract has been expired for 6 months or more.

A contract offer is considered a renewal if, 1) the company is offering the same base contract as on their original CMAS contract, and 2) if the base contract has been extended or renewed for a term of one year or more. The same documents and information are required for a contract renewal request as for a new contract proposal. See the CMAS Contract Management & Information Guide for directions on renewing a CMAS contract.

CMAS Contact Person Provide your company’s CMAS contact person and his/her contact information. This person is the first point of contact for CMAS customers needing information about, or a copy of your company’s CMAS contract. Only one person’s name can be provided for this purpose. The name and contact information of this person will be shown along with your company name and CMAS contract number at the CMAS website.

Questions Regarding this Offer Sometimes the person who completed a company’s CMAS contract offer is not the same person as the CMAS contact person shown above. If the CMAS Unit has questions regarding your CMAS contract offer, and if the best person to contact at your company is someone other than your CMAS contact person named above, then provide that person’s name and contact information here.

Continued on next page

Section 2 – CMAS Contract Offer, Continued

STEP 2 – INSTRUCTIONS FOR COMPLETING CONTRACT OFFER

Offers Submitted by a Consultant on Your Behalf

Some companies choose to hire a consulting firm to complete and submit the CMAS contract offer on their behalf. If this is the case, provide the consulting company's name and contact information. By signing this offer, you are authorizing the consulting company named to act on your behalf regarding all questions/issues relevant to this offer.

Where are Orders Sent?

Provide the mailing address where orders issued against the resulting CMAS contract will be sent. Either a street address or P.O. Box is acceptable. In the "Fax Number" field, either provide a fax number where orders can be sent or state "Not Available". In the "Attention" field, either provide a person's name, a unit or department, or state "Not Applicable".

CMAS Contract Terms and Conditions

To review the current CMAS Terms and Conditions go to www.dgs.ca.gov/pd/programs/leveraged/cmas.aspx and select "CMAS Contract Terms and Conditions."

Your CMAS contract offer must include acceptance of the current, applicable CMAS Terms and Conditions without exceptions. There are three sets of Terms and Conditions, 1) IT Goods & Services, 2) Non-IT Goods, and 3) Non-IT Services. Please check the box next to the set that applies to your contract proposal. Also identify the current date shown in the lower left-hand corner of the Terms and Conditions you are accepting. Proposed changes to the CMAS Terms and Conditions will not be considered.

Payee Data Record

Completion of a Payee Data Record (Std. 204) is required when receiving payment from the State of California. All CMAS contract offers must include a Payee Data Record. This form is available in a fill and print format at the following website: www.documents.dgs.ca.gov/osp/pdf/std204.pdf. The instructions to complete the Payee Data Record are on page 2 of the form.

CMAS Contractor Certification

The CMAS Contractor Certification is Exhibit B of this guide. By signing Exhibit B, your company is certifying compliance with the CMAS Program requirements shown. If any of the requirements pertain to a specific product or service not applicable to the base multiple award contract offered, then it does not apply to your CMAS contract. Do not change the language in any of the requirements in Exhibit B.

On the third page of Exhibit B, list the contract number, awarded contractor and the beginning and end dates of the base multiple award contract offered. Beneath this information clearly identify the products and/or services you propose to offer from the base multiple award contract. This includes the product brands, the technical services related to the products (such as installation, repair, maintenance, and training), the specific job titles for consulting services, the personal services, and the titles of the training courses, as applicable.

Continued on next page

Section 2 – CMAS Contract Offer, Continued

STEP 2 – INSTRUCTIONS FOR COMPLETING CONTRACT OFFER

Secretary of State Registration

If your company is a Corporation, a Limited Liability Company (LLC), a Limited Liability Partnership (LLP), or a Limited Partnership (LP), you must be registered with the California Secretary of State (SOS) to be awarded a CMAS contract. A screen print from the SOS website showing your status as active will suffice this requirement. The website address for the SOS is <http://kepler.ss.ca.gov>.

The SOS can also be contacted as follows:

California Secretary of State
Division of Corporate Filing & Services
1500 11th Street, Third Floor
Sacramento, CA 95814
Certification Unit: (916) 657-5251

Fictitious Business Name Statement

Firms “doing business as” (dba) a different name than as registered with the California Secretary of State, must include a valid Fictitious Business Name Statement with their offer. This statement is filed with a California County, and is valid for five years from the date it was filed in the office of the County Clerk. When a company has no place of business in California, they shall file with the County Clerk of Sacramento County.

Seller’s Permit

In accordance with Public Contract Code Section 10295.1, before being awarded a State of California contract (such as CMAS) to provide personal tangible property, your firm must hold a valid California Seller’s Permit or Certification of Registration – Use Tax as issued by the California State Board of Equalization (BOE). If applicable, you must provide your California Seller’s Permit number with your CMAS contract offer. For more information on California Seller’s Permits, see the BOE’s website at www.boe.ca.gov, or call their information center at (800) 400-7115.

California Contractor’s License

All companies who construct or alter any building, highway, road, parking facility, railroad, excavation, or other public structure in California must be licensed by the Contractors State License Board (CSLB). This type of work is considered Public Works, and CMAS purchase orders may allow for a Public Works component only when it is incidental to the overall project requirements. When a Contractor’s License is required, the prime contractor and all subcontractors (if applicable) must hold a valid license for the work being performed.

Examples of Public Works components covered on the CMAS Program are the installation of carpet, pulling cable and wire, and attaching shelving systems to the walls or floor. See more information about Public Works projects in the CMAS Contract Management and Information Guide. More information about the State Contractors License Board can be found on their website at: www.cslb.ca.gov or by calling (800) 321-2752.

Business Status

Check the applicable box(es) to identify if your company is a California certified small business (SB) or disabled veteran business enterprise (DVBE) or an uncertified small business or a large business. Small businesses that are not certified by the State of California as a SB will be shown as a large business on their CMAS contract.

Continued on next page

Section 2 – CMAS Contract Offer, Continued

STEP 2 – INSTRUCTIONS FOR COMPLETING CONTRACT OFFER

Business Status

(continued)

If your company is a certified SB or DVBE, include your certification number.

NOTE: The DGS waives the administrative fee charged to customer agencies if they place their CMAS order with a California certified SB.

For information on SB and DVBE certifications, go to the Procurement Division website at www.pd.dgs.ca.gov and select the SB/DVBE link, or call (916) 375-4940.

Not Specifically Priced (NSP) Provision

The Not Specifically Priced (NSP) Provision enables an agency to include in their purchase order non-contract products and related services that are subordinate and peripheral to the other items on the order. The NSP Provision is applicable to hardware products and the related installation service, but cannot be included in a CMAS contract order for software, furniture, consulting services, or personal services including training. See the CMAS Contract Management and Information Guide, Section 2, Topic 6, for the details of the NSP Provision.

Authorizing Resellers to Use Your CMAS Contract

Only the prime contractor can use their CMAS contract unless they have authorized resellers to use it. Resellers are permitted on a CMAS contract for products only if the CMAS contract holder is a manufacturer or publisher. Resellers are not permitted on contracts for consulting, personal, or technical services only. If the CMAS contractor wishes to authorize resellers to use their contract, a list of authorized resellers is required. The following information must be included for each reseller:

- Ordering instructions (Advise if reseller can receive purchase orders directly from the State, or if all orders must go to the prime contractor.)
- Invoicing instructions (Advise if reseller can receive payment directly from the State, or if all payment must go directly to the prime contractor.)
- Resellers receiving direct payment from the State must be registered with the California Secretary of State if they are a Corporation, LLC, LLP, or LP.
- Reseller's Payee Data Record (Required only if reseller will receive payment directly from the State.)
- Reseller company name and address
- Reseller company contact name with phone number, fax number and E-mail address

If numerous resellers are being requested, the CMAS analyst may request a soft copy of this information at the time of contract award.

If a company is only marketing products and not performing a commercially useful function associated with the contract (i.e. accepting purchase orders and/or payment, etc.), they are not considered a "reseller" and cannot be added to the CMAS contract.

Continued on next page

Section 2 – CMAS Contract Offer, Continued

STEP 2 – INSTRUCTIONS FOR COMPLETING CONTRACT OFFER

CMAS Product & Service Codes

CMAS Product & Service (P&S) Codes are used to identify, describe and market the primary products and/or services offered. Contractors must select a minimum of one and can select up to 12 CMAS P&S Codes per base contract offered. At least one of the codes selected must be a product description or a service description other than a brand code. Customer agencies will use these codes to search the CMAS website for brands, products, or services they need to procure.

CMAS contractors can sell all of the products/services approved in their CMAS contract, and are not limited to the CMAS P&S Codes selected.

A complete listing of these codes is available at: www.dgs.ca.gov/pd, then select the "Resources" link on the left. In the space to the left of each code selected, provide a page number where that brand, product, or service can be found in the base contract offered. Only submit the pages on which CMAS P&S Codes have been selected.

Authorization for Products and Technical Services

Contractors offering products and technical services (installation, repair, maintenance, or training on the product being sold) from their own Federal GSA schedule are not required to provide manufacturer authorization letters.

Also, manufacturers offering their own products and technical services do not need to provide letters of authorization.

Contractors offering products and technical services (installation, repair, maintenance, or training on the products being sold) from another contractor's Federal GSA schedule must be authorized as follows:

- To sell products only, written authorization from the manufacturer, a major distributor, or the Federal GSA schedule owner is required. This authorization letter must clearly define what can be sold, be dated within the previous 6 months, and be signed.
- To sell or provide repair, maintenance, or training on the products being sold, written authorization must come from the manufacturer. The authorization letter must be clear as to who is selling and who is providing the service. For example, the CMAS contractor could sell and provide the service, or the CMAS contractor could sell the service and the manufacturer would provide the service.
- To provide installation services, contractors self-certify their qualification by signing Exhibit B (Contractor Certification) in this CMAS Contract Application Guide.

Product installation services and software services are required to be performed by manufacturer or software publisher authorized personnel, and meet the manufacturer or software publisher documented specifications, unless otherwise specifically stated in the agency Purchase Order or Statement of Work.

Continued on next page

Section 2 – CMAS Contract Offer, Continued

STEP 2 – INSTRUCTIONS FOR COMPLETING CONTRACT OFFER

Specific Manufacturer Authorization	When a company is selling another manufacturer's products or services, some manufacturers require specific individuals from their company to sign the authorization letter. For a listing of these specific manufacturers and their contact information go to: www.dgs.ca.gov/pd/programs/leveraged/cmas.aspx , and then select the link "For Suppliers/Contractors".
CAL-Card	CAL-Card is a VISA payment plan. If your company accepts VISA, then check the first box meaning that your company accepts CAL-Card. If your company does not accept VISA, then check the second box. Acceptance or non-acceptance of CAL-Card will be reflected on your CMAS contract, but will not effect the approval of your contract.
Customer References	Contractors offering consulting or personal services from their own Federal GSA schedule are not required to include customer references with their CMAS contract offer. Contractors offering consulting, personal, or technical (without products) services from another company's Federal GSA schedule must include customer references to substantiate their qualification to provide these services. See Exhibit D of this guide for definitions of various types of services, the customer reference forms, and the instructions to complete these forms.
Local Government Agencies	Each contractor must advise if their company will accept orders placed against their CMAS contract from local government agencies. See Section 1 of this guide for the definition of a local government agency. Contractors must agree to pay the DGS-PD a 1% incentive fee for all CMAS orders from local government agencies effective 1/1/2010. <i>This incentive fee is waived for all California Certified Small Businesses.</i>
Minimum Order Amount	This is the minimum order amount that your company will accept against your CMAS contract. If your company has a minimum order requirement, check the first box and provide your minimum order amount. Check the second box if your company has no minimum order requirement.
Darfur Contracting Act	Pursuant to Public Contract Code Sections 10475, et seq., procurements for non-IT goods or services must address the requirements of the Darfur Contracting Act. Companies offering non-IT goods or services must complete and include with their CMAS contract application the Darfur Contracting Act Certification on page 31 of this guide. See the instructions for completing this certification on the back of the form.
Signature Binding Offer	Your signed offer and the CMAS acceptance of your offer constitute a binding contract. A person authorized to bind your company to the CMAS contract resulting from this offer must sign the offer and provide the required information in Exhibit A. California code requires that you provide your application with an original signature.

Section 2 – CMAS Contract Offer, Continued

STEP 3 – SUBMITTING YOUR CMAS CONTRACT OFFER

**Customer
References**

Contractors offering consulting services, personal services, or stand-alone technical services from another company's Federal GSA schedule must provide customer references to substantiate that their company has experience performing the services being offered. See Exhibit D for more information.

**Checklist
(Exhibit C)**

The final step of your CMAS contract offer is to complete the Checklist, Exhibit C. The attachments identified as required must be included with all CMAS contract offers. The attachments that require a signature are also identified on the Checklist.

The completed Checklist, Exhibit C, must be placed on top of your CMAS contract offer. Ensure that all required documents are submitted with your offer, as incomplete offers may be returned unprocessed.

**Where to
Send this
Offer**

Mail this CMAS contract offer to:

California Department of General Services
Procurement Division – CMAS Unit
Attention – Application Processing
PO Box 989052, MS # 2-202
West Sacramento, CA 95798-9052

or

Hand deliver this CMAS contract offer to:

California Department of General Services
Procurement Division – CMAS Unit
Attention – Application Processing
707 Third Street, 2nd Floor, MS # 2-202
West Sacramento, CA 95605-2811

At this time, CMAS contract offers cannot be submitted via e-mail or fax.

EXHIBIT A – CMAS CONTRACT OFFER

(The Instructions for completing Exhibit A are shown in Section 2, Step 2)

Company Making Offer

Company Name: _____
DBA Name (if applicable): _____
Street Address: _____
City, State, Zip Code: _____
Company Web Address: _____

Contract Offer

This is a binding contract offer from the company named above. This company is offering to the State of California the same products and/or services, terms and conditions, and pricing equal to or lower than the pricing from the enclosed Federal General Services Administration (GSA) schedule identified on the enclosed CMAS Contractor Cert. (Exhibit B).

New or Renewal Offer

Check one of the following boxes:

- This contract offer is for a new CMAS contract.
 - This contract offer is to renew our existing CMAS Contract Number: _____
-

CMAS Contact Person

Any questions regarding the CMAS contract resulting from this offer can be addressed to the following contact person from this company:

Contact Name: _____
Phone Number: _____ Ext. _____
Fax Number: _____
E-mail Address: _____

Questions Regarding this Offer

Check one of the following boxes. Any questions or issues the CMAS Unit may have regarding this CMAS Contract Offer can be addressed to:

- The same CMAS contact person shown above.
 - The person from this company named below:
Contact Name: _____
Phone Number: _____ Ext. _____
Fax Number: _____
E-mail Address: _____
 - The consultant we hired to complete the CMAS Contract Offer, as shown on the next page.
-

Continued on next page

Exhibit A – CMAS Contract Offer, Continued

Applicant Company Name: _____

**Offers Submitted
by a Consultant on
Your Behalf**

Check one of the following boxes:

- This signed contract offer authorizes the following firm to act on our behalf regarding all questions or issues relevant to this offer:

Company Name: _____

Contact Person: _____

Phone Number: _____ Ext. _____

Fax Number: _____

E-mail Address: _____

- This issue is not applicable.

**Where are Orders
Sent?**

All purchase orders issued against the CMAS contract resulting from this offer must be mailed or faxed to:

Company Name: _____

Street Address or P.O. Box: _____

City, State, Zip Code: _____

Fax Number: _____

Attention: _____

**CMAS Contract
Terms & Conditions**

This company accepts the State of California Terms & Conditions identified below without exceptions. *(Check the following Terms & Conditions that apply to your CMAS contract offer.)*

- Information Technology Products and/or Services
- Non-Information Technology Products
- Non-Information Technology Services

Current date of CMAS Terms & Conditions accepted: _____

(Note: This is not the date you submit your CMAS contract offer nor the date shown on the CMAS Contract Application Guide, but the date shown in the lower left-hand corner of the CMAS Terms and Conditions you are accepting.)

Payee Data Record

- This company has enclosed a signed Payee Data Record (Std. 204).

Exhibit A – CMAS Contract Offer, Continued

Applicant Company Name: _____

CMAS Contractor Certification

- This company has enclosed a signed CMAS Contractor Certification (Exhibit B).

Secretary of State Registration

Check one of the following boxes:

- This company is a Corporation, Limited Liability Company (LLC), Limited Liability Partnership (LLP), or Limited Partnership (LP), and a screen print is enclosed from the California Secretary of State's website showing we are registered and currently active.
- This company is a sole proprietor or a simple partnership, and registration with the California Secretary of State is not required.

Fictitious Business Name Statement

Check one of the following boxes:

- This company requests to be shown as a different name (dba) on our CMAS contract than as registered with the California Secretary of State. *(Attach a copy of your valid Fictitious Business Name Statement filed with a California County Clerk).*
- This issue is not applicable to our offer.

Seller's Permit

Check one of the following boxes:

- This company is offering personal tangible property to the State of California, and our California Seller's Permit Number is: _____
- This company is offering consulting, technical, or personal services only to the State of California; therefore, a California Seller's Permit is not required.

California Contractor's License

Check one of the following boxes:

- This company's offer includes some ancillary Public Works installation, and our valid California Contractor's License Number is: _____
- This company is not offering any installation services considered Public Works.

Business Status

This company is a *(check applicable boxes)*:

- California certified Small Business – Certification No. _____
- California certified Disabled Veteran Business Enterprise (DVBE) – Certification No. _____
- Uncertified Small Business *(will be shown as a large business)*
- Large Business

Continued on next page

Exhibit A – CMAS Contract Offer, Continued

Applicant Company Name: _____

Not Specifically Priced (NSP) Provision

Check one of the following boxes:

- The Not Specifically Priced (NSP) provision is requested.
- The Not Specifically Priced (NSP) provision is not requested.

Authorizing Resellers to Use Your CMAS Contract

Check one of the following boxes:

- This company is a manufacturer or publisher, and is requesting the dealer(s) shown on the attached list to be included in this contract as authorized resellers. If numerous resellers are being requested, the CMAS analyst may request a soft copy of this information at the time of contract award. *(See Section 2, Step 2 of this guide for the information you are required to provide if you are requesting the inclusion of approved resellers on this CMAS contract.)*
- This company is not requesting the inclusion of authorized resellers on this contract.

CMAS Product & Service Codes

- This company has enclosed the pages of CMAS Product & Service Codes reflecting the codes we have selected to market our CMAS contract. To the left of each code selected, we have provided a page number where the brand, product, or service can be found in the base contract offered.

Authorization for Products and Technical Services

Check the following applicable box(es):

- This company has enclosed a signed letter from the manufacturer, base GSA holder, or a major distributor authorizing us to resell each brand of product offered.
- This company has enclosed a signed letter from the manufacturer(s) authorizing our company to resell their products, and to resell or provide repair, maintenance, and/or training services on their products.
- This company is offering their own products, or is the holder of their own Federal GSA schedule, so a letter of authorization is not required.
- This company is offering consulting/personal services only, so a letter of authorization is not required.

Continued on next page

Exhibit A – CMAS Contract Offer, Continued

Applicant Company Name: _____

**Specific
Manufacturer
Authorization**

Check one of the following boxes:

- This company has enclosed the specific manufacturer authorization letter(s) required for the products/services offered. See page 13 for the instructions and the website where a listing can be found of the manufacturers who require specific authorization
- Specific manufacturer authorization letters do not apply to this CMAS contract offer.

CAL-Card

Check one of the following boxes:

- CAL-Card is accepted by this company.
- CAL-Card is not accepted by this company.

**Customer
References**

Check one of the following boxes:

- This company has enclosed a minimum of three customer reference forms (Exhibit D-1) to support the consulting/personal services offered.
- This company is offering consulting/personal services from their own Federal GSA schedule, so customer references are not required.
- This company is offering products only, so references are not required.

**Local Government
Agencies**

Check one of the following boxes:

- This company will accept orders against the CMAS contract resulting from this offer from local government agencies, and agrees to pay the DGS-PD a 1% incentive fee for all CMAS orders from local government agencies effective 1/1/2010. *This incentive fee is waived for all California Certified Small Businesses.*
- This company will not accept orders against the CMAS contract resulting from this offer from local government agencies.

**Minimum Order
Amount**

Check the box that applies to the smallest order your company will accept under your CMAS contract.

- The minimum order amount is: \$_____
- There is no minimum order amount.

Continued on next page

Exhibit A – CMAS Contract Offer, Continued

Applicant Company Name: _____

Darfur Contracting Act

Check one of the following boxes:

- This company is offering non-IT goods or services and has enclosed the completed Darfur Contracting Act Certification.
 - This company is offering IT goods or services so the Darfur Contracting Act Certification does not apply.
-

Signature Binding Offer

The person identified below is authorized to bind this company to this CMAS contract offer (original signature required):

Printed Name of Representative: _____

Printed Title of Representative: _____

Signature of Representative: _____

Date Contract Offer Signed: _____

EXHIBIT B – CMAS CONTRACTOR CERTIFICATION

By signing the last page of this certification, I hereby certify that my company will comply with the following requirements:

Contractor Responsibility	<p>My company will be totally responsible, in accordance with the terms and conditions of the contract, for all products and services sold through my company's CMAS contract.</p> <p>All products, services, and prices offered by my company under the CMAS contract appear on and meet all requirements expressly stated in the contract for the referenced (base) Federal GSA schedule.</p>
Sell Only Approved Products and Services	<p>My company will sell only products and services approved for my CMAS contract(s). This may include the entire or partial Federal GSA schedule.</p>
Contract Prices	<p>My company is offering prices for products and services equal to or lower than the prices in the base Federal GSA schedule.</p>
Contractor Provides Contract to Customers	<p>My company will provide to each agency upon request a complete copy of the CMAS contract. <i>(After your contract has been awarded, see the award letter for the components of your CMAS contract.)</i></p>
Keeping Current	<p>My company will sell only the most current CMAS approved products and services (at or below the same prices) as approved for the base Federal GSA schedule. My company will maintain files (including all modifications) to substantiate compliance with this requirement.</p> <p>This requirement also applies to my company if I am establishing my CMAS contract with products, services, and prices based on another contractor's Federal GSA schedule.</p>
Education & Experience Requirements	<p>My company will only provide qualified personnel who meet the education and experience requirements as stipulated in the base Federal GSA schedule.</p>
Product Installation	<p>My company will perform product installation only if specifically provided for in the CMAS contract. All product installations performed by my company will be by manufacturer-authorized personnel and meet manufacturer-documented specifications, unless otherwise specifically stated in the purchase order/Statement of Work.</p>

Continued on next page

Exhibit B – CMAS Contractor Certification, Continued

Software Services	My company will perform software services only if specifically provided for in the CMAS contract. All software services performed by my company will be by software publisher-authorized personnel and meet software publisher-documented specifications, unless otherwise specifically stated in the purchase order/Statement of Work.
Software Copyright Laws	My company has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this contract for the acquisition, operation or maintenance of computer software in violation of copyright laws.
References and Resumes	My company will provide customer references and resumes upon request by the ordering agency.
Network Design Services	All network design services must result in a hardware or software solution. Also, all network design services performed by the Contractor that include infrastructure components must be performed by a BICSI certified Registered Communications Distribution Designer (RCDD) employed either by the Contractor or subcontractor. Evidence of RCDD certification may be required by the ordering agency.
Recycled or Re-manufactured Cartridges	<p>Except as provided for in Public Contract Code 12156 (b), my company will not sell printer or duplication cartridges for which the manufacturer, wholesaler, distributor, retailer, or re-manufacturer places restrictions on the recycling or re-manufacturing of that cartridge by any other person. Restrictions on recycling or re-manufacturing may include:</p> <ul style="list-style-type: none">• Reduced price in exchange for agreement to not re-manufacture• License agreement forbids recycling or re-manufacturing• Contract forbids recycling or re-manufacturing• Proprietary chip prevents the re-use of the cartridge
Expatriate Corporation	My company is not an expatriate corporation, as defined in PCC Sections 10286 and 10286.1. In the CMAS Terms & Conditions, see Provision #57 (IT Goods & Services), or Provision #19 (Non-IT Goods) for more information.
ARRA Funded Contracts	When notified by the ordering agency that the contract resulting from their solicitation is funded by the American Recovery & Reinvestment Act (ARRA), my company agrees to accept the ARRA Terms & Conditions without exceptions. The ARRA Terms & Conditions can be accessed by clicking Here .

Continued on next page

Exhibit B – CMAS Contractor Certification, Continued

Electronic Waste Recycling

My company will comply with the Electronic Waste Recycling Act of 2003 requiring retailers to collect a recycling fee from consumers on covered electronic devices starting January 1, 2005. California Public Resources Code Section 42463(f) defines a “covered electronic device” as a video display device containing a screen greater than four inches measured diagonally. See the code identified above for more information and exceptions to this definition. Information regarding this law is also available at <http://www.ciwmb.ca.gov/Electronics/Act2003/>.

Base Multiple Award Contract

List below the Federal GSA schedule number you are offering as the base for your CMAS contract, the base schedule owner (company name), and the base schedule start and end dates. A separate CMAS contract application must be submitted for each base GSA schedule offered.

Base GSA Schedule Number: _____

Base GSA Schedule Company: _____

Base Schedule Start & End Date: _____ to _____

Check one of the following boxes:

- My company is offering all products and/or services contained in the base contract identified above.
- My Company is not offering all products and/or services contained in the base contract identified above. Identify the products/services you are offering for this CMAS contract below or on an attached sheet:

Brand(s) of Products:

Technical Services (installation, maintenance, repair, and/or training):

Consulting/Personal Services from the Base GSA Schedule Offered
(list job titles, personal services, training class titles, etc. offered):

Continued on next page

Exhibit B – CMAS Contractor Certification, Continued

False Claims

Section 12650 et seq. of the California Government Code provides for the imposition of treble damages for making false claims against the State. False claims may also result in immediate termination of this contract.

BY SIGNING BELOW, THE CONTRACTOR CERTIFIES COMPLIANCE WITH THE REQUIREMENTS OF THIS CMAS CONTRACTOR CERTIFICATION, EXHIBIT B (4 PAGES). CALIFORNIA CODE REQUIRES THAT YOU PROVIDE YOUR APPLICATION WITH AN ORIGINAL SIGNATURE.

Company Name

Print Name & Title of Signer

Authorized Signature
(of person authorized to bind this company to this proposal)

Date Signed

CMAS CONTRACT APPLICATION GUIDE

EXHIBIT C - CHECKLIST

Purpose

The purpose of this checklist is to ensure that all required documents are included with your CMAS contract offer. Put a check mark in the box next to each document included in your offer. Place the completed checklist (Exhibit C) on top of your offer prior to submittal. Missing or incomplete checklists may cause your CMAS contract offer to be returned unprocessed.

**Required Attachments
(Must be signed)**

- Exhibit A - CMAS Contract Offer
 - Exhibit B - CMAS Contractor Certification (submit all four pages)
 - Payee Data Record – Std. 204
-

**Required Attachments
(No signature)**

- Exhibit C - Checklist (place on top of offer)
 - Base Federal GSA Schedule
 - CMAS Product & Service Codes Selected
-

**Attachments (Check only
applicable items)**

- Secretary of State – Documentation of Registration
 - Fictitious Business Name Statement
 - Resellers Authorized to use your CMAS Contract
 - Authorization Letter to Sell/Service Products
 - Customer References for Consulting/Personal Services
 - Darfur Contracting Act Certification
-

**CMAS Quarterly Activity
Reports**

The companies who have previously been awarded a CMAS contract(s) must be current with all required CMAS Quarterly Activity Reports prior to being awarded a new CMAS contract or a renewed or modified existing contract. See the CMAS Contract Management and Information Guide for information on CMAS Quarterly Reports.

Company Making Offer

Enter the complete, legal name of the company making this CMAS contract offer: _____

EXHIBIT D – CUSTOMER REFERENCES

When are Customer References Required?

Contractors offering consulting services, personal services, or stand-alone technical services from their own Federal GSA schedule are not required to provide customer references.

Contractors offering consulting services, personal services, or stand-alone technical services from another company's Federal GSA schedule must provide customer references to substantiate that their company has experience performing the services being offered.

Definitions of Services

Consulting Services: Services of an advisory nature that provide a recommended course of action or personal expertise (product of the mind).

Personal Services: Services that have someone doing something, e.g. graphic design services, film production services, training courses, etc.

Stand-Alone Technical Services: Services providing maintenance, repair, installation, or training on either IT or non-IT equipment when the sale of the equipment is not included.

Customer Reference Requirements

The following requirements apply to customer references:

- Provide a minimum of three customer references to support all of the labor categories being offered. More references can be submitted as needed to support all categories if necessary.
- References must be for work performed by your company within the last two years (cannot be future work).
- References can be from either the public or private sector.
- Use Exhibit D-1 for the references.
- The reference customer must sign and date the reference and sign and date all attachments, which include the applicable job categories and service descriptions from the base Federal GSA schedule.

CMAS Product & Service Codes

Contractors can select from 1 to 12 CMAS Product & Service (P&S) Codes to describe and market the services offered. The CMAS P&S Codes selected must correlate with the services offered from the base Federal GSA schedule. Contractors must fill in which CMAS P&S Codes apply to each reference on the Exhibit D-1 in the space provided. A complete listing of these codes is available at www.dgs.ca.gov/pd, then select the "Resources" link on the left.

New Companies

Newly formed companies who do not have a minimum of three customer references in their company name can still be considered for a CMAS contract. Their references may be submitted in the name of the owner or a partner(s) for services they provided prior to the formation of the new company. In this case, the resulting CMAS contract will be restricted so that only the owner or partner(s) can provide services on the contract. After a minimum of 6 months, and after the new company has a minimum of 3 customer references in their company name, they may request that the restriction be removed.

Continued on next page

Exhibit D – Customer References, Continued

INSTRUCTIONS FOR COMPLETING CUSTOMER REFERENCE FORMS

Company (CMAS Applicant)	Enter the name of the company that provided the service. This is the CMAS applicant company. For newly formed companies who do not have a minimum of three customer references in their company name, enter the name of the owner or partner who provided the services to this referenced customer. See more information under “New Companies” on page 28 of this guide.
Project Title	Enter the project title.
Project Begin and End Date	Enter the project start date for services performed within the last two years. Enter the last date services were performed. If the project has been started but not completed, enter “On-going” for the end date and identify the task(s) that have been completed in the narrative. Only job categories for the completed components of the project will qualify for consideration.
Reference Customer Name and Contact Information	Enter the agency/company name of the reference customer who received the services. Provide this agency/company address, contact person, and phone number of the person who has direct knowledge of the services your company performed. If you worked as a subcontractor on a project, your customer would be the prime contractor.
Project Description	Briefly describe the nature of the project. (Explain what the project entailed and what services your company was hired to provide).
Job Titles/Labor Categories	List the requested job titles or labor categories from the base GSA schedule offered in the space provided.
CMAS Product & Service Codes	List the CMAS Product & Service Codes your company selected that relate to this reference in the space provided. (Maximum of 12 codes per application)
Specific Services Provided	In narrative form, provide the specific services your company performed on this project. Provide enough detail to demonstrate a clear correlation to the GSA labor categories offered and the CMAS Product & Service Codes selected. Use an additional sheet if necessary
CMAS Applicant Company Signature	A representative from the CMAS applicant company must sign the reference certifying that services described from the base contract offered represent the same services provided to this reference customer.

Continued on next page

Exhibit D – Customer References, Continued

**Reference
Customer
Agency/Company
Signature**

The contact person from the reference customer agency or company must sign and date the Exhibit D-1 reference verifying that the services described on the attached page(s) (GSA job category descriptions) are the same services provided by the CMAS applicant company. The reference customer must also sign and date each of the pages attached to the Exhibit D-1 reference showing the applicable job categories, service descriptions, or training courses from the base Federal GSA schedule.

**Services Provided
by CMAS Applicant
Company**

Attach to this reference copies of the pages from the base GSA schedule offered that describe the services substantiated by this reference. Circle the labor categories/job titles on the base GSA schedule pages applicable to this reference.

Note: *Each page from the base Federal GSA schedule attached to the Exhibit D-1 reference showing the job categories, service descriptions, or training courses offered must be signed and dated by the reference customer.*

For Consulting Services: Include the job category descriptions, minimum education & experience requirements, and functional requirements.

For Personal Services: Include the specific service descriptions offered.

For Training Services: Attach the course outlines from the base Federal GSA schedule provided to your reference customer. Each GSA course outline must contain the following information:

1. The course title and a brief description of the course content, to include the course format (e.g. lecture, discussion, hands-on training, etc.)
2. The length of the course
3. Mandatory and desirable prerequisites for student enrollment
4. The minimum and maximum number of students per class
5. The locations where the course is offered
6. Price (per student or per class)
7. If the CMAS applicant company is not the base GSA schedule holder, they must also provide the same information shown above for each of their courses offered to verify that their courses are substantially the same as the GSA courses.

For Translation & Interpretation Services: Attach pages from the base Federal GSA schedule that include the services provided and circle only those languages that were specifically provided to your reference customer. Your CMAS contract will be restricted to the specific languages in the base GSA schedule that are supported by references. CMAS Contractor must provide references for all languages requested in their CMAS contract offer.

For Stand-Alone Technical Services: Include the specific service descriptions offered from the base GSA schedule.

**Contact CMAS for
Questions**

Applicants with questions regarding customer references for services offered can contact the CMAS Unit. See page 7 of this guide for CMAS contact information.

EXHIBIT D-1 – CUSTOMER REFERENCE FORM

See pages 27 & 28 for instructions for completing this reference form.

Company (CMAS Applicant)	
Project Title	
Project Begin Date	
Project End Date	
Reference Customer Agency/Company Street Address City, State and Zip Code Contact Person Contact Phone Number	
Project Description: Briefly describe the nature of this project.	
Requested Job Titles/Labor Categories: List the job titles offered, and attach the pages from the base GSA schedule showing job titles, service descriptions, or training courses and circle each job title or course title offered.	
Requested CMAS Product & Service Codes Related to this Reference Example: Consulting-IT Project Mgmt	

Continued on next page

Darfur Contracting Act Certification Form

Pursuant to Public Contract Code section 10478, if a bidder or proposer currently or within the previous three years has had business activities or other operations outside of the United States, it must certify that it is not a "scrutinized" company as defined in Public Contract Code section 10476. (See back for instructions.)

Therefore, to be eligible to submit a bid, proposal, or CMAS application, please insert your company name and Federal ID Number and complete only one of the following three paragraphs (via initials for Paragraph #1 or Paragraph #2, or via initials and certification for Paragraph #3):

Company/Vendor Name (Printed)

Federal ID Number

Printed Name and Title of Person Initialing (for Options 1 or 2)

1. _____ We do not currently have, or we have not had within the previous three years, business
Initials activities or other operations outside of the United States.

OR

2. _____ We are a scrutinized company as defined in Public Contract Code section 10476, but we
Initials have received written permission from the Department of General Services (DGS) to submit a bid or proposal pursuant to Public Contract Code section 10477(b). A copy of the written permission from DGS is included with our bid or proposal.

OR

3. _____ We currently have, or we have had within the previous three years, business activities or
Initials & other operations outside of the United States, but we certify below that we are not a
Certification scrutinized company as defined in Public Contract Code section 10476.
Below

CERTIFICATION FOR #3

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective proposer/bidder/applicant to the clause listed above in #3. This certification is made under the laws of the State of California.

By (Authorized Signature)

Printed Name and Title of Person Signing

Date Executed

Executed in the County and State of

Note Regarding Change of Status – If your company has a change of status, with regard to this certification, during the term of your contract(s) then it is incumbent on your company to submit an updated Certification. For questions regarding a change of status, please contact the contract's designated State Contract Administrator.

Darfur Contracting Act Certification Instructions

This Certification pertains to the Darfur Contracting Act (Act). All companies offering Non-Information Technology goods and/or services must complete this Certification.

Background

Effective January 1, 2009, procurements for goods or services must address the requirements of the Darfur Contracting Act of 2008 (Act) (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with **SCRUTINIZED** companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A **SCRUTINIZED** company is a company doing specified types of business in Sudan as defined in Public Contract Code section 10476. **SCRUTINIZED** companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for Non-IT goods and/or services. (Public Contract Code section 10477(a)). Therefore, Public Contract Code section 10478(a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a **SCRUTINIZED** company in order to submit a bid or proposal to a State agency. (See #1 and #3 on the Certification).

A **SCRUTINIZED** company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See #2 on the Certification).

Instructions for Certification

- Provide the Certification to an appropriate official within your company.
- The approving official shall fill in the company name and federal ID number and initial either item #1, #2, or #3. If item #3 is initialed, then the Certification for #3 must also be completed by an individual authorized to legally bind your company.
- Include the original, completed Certification with your CMAS application.
- If you are unable to certify as to #1, #2, or #3, or if you have any questions regarding the Certification, please contact CMAS at (916) 375-4363 or via e-mail at cmas@dgs.ca.gov.

Change of Status

If your company has a change of status with regard to this certification during the term of your contract, then it is incumbent on your company to submit an updated Certification. For questions regarding a change of status, please contact the contract's designated State Contract Administrator.

False Certification Penalties

Pursuant to Public Contract Code section 10479, a company that submits a false certification shall be subject to a monetary civil penalty of \$250,000 or twice the amount of the contract, whichever is greater; possible contract termination; ineligibility to bid on state contracts for a minimum of three years; and possible additional civil action, costs and fees.
