

January 29, 2013

Dear Vendors,

Pursuant to Public Contract Code Section 12101.2, the State of California has entered into negotiations with the information technology (IT) vendor community for the repetitively used terms and conditions contained in the state's model contract.

As part of this effort, the Department of General Services (DGS) invited state agencies and the vendor community to submit comments on the state's General and Special Provisions. The state assembled a team from within DGS and the California Technology Agency who reviewed and considered all submissions for changes. Consequently, the team proposed one of the following actions for each submitted item: 1) accept the changes; 2) develop modifications, or 3) reject the changes. The state has published, on the Procurement Division's website, all comments received from vendors with the state's response. These documents, and the state's initial response to the vendor's proposed changes, are available [here](#).

The state's initial response indicates its current position on each issue. IT vendors still have an opportunity to recommend changes by attending one of three Vendor Community Forums. These forums will be held at the DGS Headquarters, in West Sacramento, on the dates below, each starting at 10:00 am in the Executive Dining Room. These forums will be held on the following days:

- Tuesday, February 19<sup>th</sup> will focus on Acceptance, Warranty, and Maintenance
- Wednesday, February 20<sup>th</sup> will focus on Limitation of Liability and Indemnification issues
- Thursday, February 21<sup>th</sup>, meeting will focus on the three termination clauses: Convenience, Non-Appropriations of Funds, and Cause and any other issues of mutual concern.

During these sessions attendees will have an opportunity to provide comments to the state's initial response and provide any supplemental information that may help the state understand how the proposed position would benefit the state as a buyer. As is customary for negotiations, concessions agreed to by the state should result in tangible benefits to the state either through lower costs, improved quality, heightened transparency, or other benefits to the state and its citizens.

Should participants want to present any examples which may clarify or support their previously submitted request for changes, or comment on the state's proposed changes released on January 29, 2013, these documents shall be submitted in advance of the meetings beginning February 19<sup>th</sup>, 2012, in the same [format used by the state](#), by February 10, 2013. The state will make every attempt to review these additional comments and clarifications in advance of the scheduled forums.

Sincerely,

***Original letter signed by Jim Butler, Chief Procurement Officer***

Jim Butler  
Chief Procurement Officer