

For PD Use only

6611 #:

Request to commence negotiations per Public Contract Code § 6611

For use on qualifying information technology (IT) Goods and Services and Non-IT Goods acquisitions.

Requesting Department Information	
Agency:	Department (Includes Boards, Commissions, and Associations):
Institution (if applicable):	
Department Contact Information	
Contact Name:	Street Address:
Telephone:	
FAX:	Mailing Address:
E-Mail:	
Description of the Procurement	
Base(s) for negotiations (see page 2), check all that apply PCC 6611 (a): 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> If using PCC 6611 (b) check this box: <input type="checkbox"/>	Check type of procurement: IT Goods and Services <input type="checkbox"/> Non-IT Goods <input type="checkbox"/>
Describe the procurement, how it meets the state's needs and justify all the Bases for negotiations checked above. (Use additional pages if needed, approval signatures must remain on this page).	
Estimated Contract Amount \$	Term of the Contract
Department	Department of General Services
<hr/> Signature of Agency Secretary or Department Director or PCO and Date <hr/> Print or Type Name and title of Signatory	<hr/> Signature of Deputy Director, Procurement Division <hr/> Print or Type Name and Title of Signatory and Date

Remit completed form to: Department of General Services
Procurement Division
Attn: Intake and Analysis Unit
707 Third Street, 2nd Floor, MS: 201
West Sacramento, CA 95605

Signature Instructions

This form requires approval by the senior executive of the requesting entity (Agency Secretary, Department Director, Executive Officer, etc.) or their designee and, for entities with a DGS purchasing delegation, the entity's Procurement and Contracting Officer (PCO).

The requesting department will receive a written DGS decision regarding this request to use a negotiation process. If approved, the DGS will stipulate any conditions on the use of a negotiation process.

Bases for negotiations per PCC § 6611(a).

1. The business need or purpose of a procurement or contract can be further defined as a result of a negotiation process (PCC § 6611(a)(1)); In general, this may occur when a business solution common in the commercial marketplace needs to be tailored to fit the unique needs of the State.

Example: Use of temporary and contract labor to meet volatile staffing demands is commonplace in the private sector. However, due to restrictions on use of personal services contracts for civil service functions, the state often is unable to use these services "as is." The state could negotiate with temporary labor contractors to purchase only the services that conform with California law under Government Code (GC) Section 19130.

2. The business need or purpose of a procurement or contract is known, but a negotiation process may identify different types of solutions to fulfill the business need or purpose (PCC § 6611(a)(2)); In general this condition can exist with emerging technology where fully developed solutions do not yet exist and require negotiations to ensure the solution meets the state's needs.

Example: The state identifies a need to block unauthorized mobile phone communications at correctional facilities. While emergent frequency management technology exists, no complete solutions have been delivered to the market. Through a negotiation process, the state would be able to identify potential solutions prospective contractors may be willing to offer.

3. The complexity of the purpose or need suggests a bidder's costs to prepare and develop a solicitation response are extremely high (PCC § 6611(a)(3)); This condition can exist when the state is acquiring solutions of an extremely large scale and/or scope which requires bidders to perform significant analysis, design, and/or development in order to bid. It can also occur when past attempts to secure bids have resulted in no compliant bids.

Example: Acquisition of any complex system of significant scale and scope. A negotiations process that provided for regular discussion of the state's needs, refinement of requirements, the creation and evaluation of pilot systems, and bargaining to trade-off costs and benefits could reduce the costs for bidders to submit acceptable bids.

4. The business need or purpose of a procurement or contract is known, but negotiation is necessary to ensure the department is receiving the best value or the most cost-effective goods, services, information technology, and telecommunications (PCC § 6611(a)(4)); This condition most commonly exists when bid prices exceed the state's target price compared to historical costs or established through market research.

Example: The state has conducted a bid for computer equipment, however bidder prices were higher than expected compared to the state's prior contract. A negotiation process is used to obtain pricing more in line with the estimate.

Check box "(b)" if the basis for negotiations is justified by PCC § 6611(b).