

March 2010

Local Government Agency Guide

(This packet supersedes all previous application guides)



California Multiple Award Schedules

State of California

Department of General Services · Procurement Division

CMAS LOCAL GOVERNMENT AGENCY GUIDE

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SECTION 1 - OVERVIEW

Legislation Public Contract Code (PCC) Sections 10290 et seq. and 12101.5 include approval for local government agencies to use CMAS for acquisition of information technology and non-information technology products and services.

PCC Sections 10298 and 10299 authorizes local government agencies and school districts to use CMAS and other Department of General Services agreements without competitive bidding. However, each local government agency should make its own determination whether the CMAS program is consistent with their procurement policies and regulations.

Definition of a Local Government Agency A local government agency is any city, county, city and county, district, or other local governmental body or corporation, including the California State Universities (CSU) and University of California (UC) systems, K-12 schools and community colleges empowered to expend public funds.

Fees to Use CMAS Effective 1/1/2010, local government agencies no longer pay the Department of General Services (DGS) an administrative fee to place an order against a CMAS contract. In lieu of this fee paid by the using local government agency, the selling CMAS contractor pays the DGS a 1% incentive fee.

Agency Responsibilities **Each agency is responsible for its own contracting program and purchasing decisions, including use of the CMAS program and associated outcomes.**

Successful CMAS transactions are totally the responsibility of the ordering agency. It is also the responsibility of each agency to consult as applicable with legal staff and contracting offices for advice depending upon the scope or complexity of the purchase order.

Method of Establishing CMAS Contracts 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 General Services Administration (GSA) schedule.

To apply for a CMAS contract, a 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 result 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.

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SECTION 1 - OVERVIEW, Continued

What is Included? CMAS contracts are established for information technology and non-information technology products and services that have been competitively assessed, negotiated, or bid primarily by the federal GSA, but not exclusively.

The contracts are structured to comply with California procurement codes, guidelines, and policies, and provide for the highest level of contractual protection.

What is Excluded? The following Non-IT services are examples of services not available on the CMAS program:

- Architectural, Engineering, and Environmental Services (GC 4525)
- Financial Audits (GC 8546.4(e))
- Legal Services (GC 11040)
- Public Works (PPC 1101)
- Facility Planning, Registered Nursing, & Security Guard Services (by CMAS Policy)

Contractor's Option to Allow Use of Their CMAS

As specified in the CMAS contract, it is at the option of the Contractor whether or not to allow local government agencies to use their CMAS contract.

Contractors must report all local government agency transactions in their quarterly reports.

How to Contact CMAS

Department of General Services
Procurement Division – CMAS Unit
707 Third Street, Second Floor, MS 2-202
West Sacramento, California 95605
Phone: (916) 375-4365
Fax: (916) 375-4663
E-mail: cmas@dgs.ca.gov
Website: www.pd.dgs.ca.gov/cmas

CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 2 – USE OF CMAS CONTRACTS

CMAS is Optional	The CMAS program is a procurement option. It is not mandatory that Local Government Agencies use CMAS.
Search for a CMAS Contract	<p>Agencies can use the CMAS website to search for contractors by company name, or by CMAS product/service description. Go to www.pd.dgs.ca.gov/cmas, then select the link entitled “Find a CMAS Contract”. Instructions for searching the CMAS website are available in Attachment A.</p> <p>Information about the CMAS Contracts is also available at the eProcurement website: www.eprocure.dgs.ca.gov.</p>
Seeking Multiple Offers	When using the CMAS contracting process, State agencies are required to seek offers from a minimum of 3 CMAS contractors, including one California Certified SB and/or DVBE (if available). Local government agencies are not bound by this requirement, and can set their own policy of how many contractors to solicit.
Request for Offer	<p>Do not refer to the CMAS transaction as a bid. This is not a competitive bid transaction so small business preferences, protest language, intents to award, evaluation criteria, advertising, etc. are not applicable. Refer to the CMAS transaction as a “Request for Offer” (RFO).</p> <p>The agency must develop a RFO identifying their needs and requirements for the purchase. The RFO could be simple for a product, or more detailed and contain a Statement of Work (SOW) for a services project. For information regarding the preparation of a SOW and some SOW samples, go to the following website: www.pd.dgs.ca.gov/cmas then select the “Local Governments” link.</p> <p>Additional sections of this guide may apply to the development of your RFO. See Sections 4 & 8.</p> <p>The RFO can be mailed, faxed, or e-mailed to the selected CMAS contractors. In the case of a simple product purchase, the agency offer and contractor quote can be verbal.</p>
Copy of a CMAS Contract	CMAS contractors are required to provide a copy of their contract upon request from an agency. Your RFO should include a requirement that the contractor include a complete copy of their CMAS contract with their offer to substantiate that:

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CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 2 – USE OF CMAS CONTRACTS, Continued

Copy of a CMAS Contract (continued)

- The required products and/or services are included in the contract.
- The prices offered are equal to or lower than the prices stated in the CMAS contract. You may verify the current CMAS/GSA product & services prices at the GSA eLibrary: www.gsaelibrary.gsa.gov. Search at this site using the base GSA contract number identified in the CMAS contract.

Best Value Determination

The award of all CMAS transactions is based on best value criteria. Best value constitutes whatever the agency determines to be most critical to ensure that its business needs and goals are effectively met and they obtain the most value. For more information, see Public Contract Code Section 12100.7(g) and Section 5 of this guide.

Protests

California code does not provide for formal protest of CMAS transactions. The individual ordering agency handles any informal complaints.

Legal Counsel

It is the responsibility of each using agency to consult, as applicable, with their legal staff and contracting offices for advice depending upon the scope or complexity of their purchase.

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SECTION 3 – PURCHASE ORDER PROCEDURES

Purchase Order Limits CMAS contracts set maximum order limits for State agencies. Local government agencies are subject to their own procurement policies and procedures, and therefore can set their own purchase order limits.

Purchase Order Form Local government agencies use their own purchase order forms.

Purchase Order Amendments When the agency determines that the purchase order is incorrect for any reason, they should first contact the Contractor and then issue an amendment to correct the purchase order as soon as possible (preferably before delivery of the products and/or services).

Purchase order amendments cannot be issued after the base CMAS contract expires.

For amendments, the agency uses the same agency order number as the original purchase order, with an amendment # _____.

The contractor is required to immediately reject purchase orders that are not accurate.

Purchase Order Termination The only provisions for early termination of a purchase order are in the CMAS Terms & Conditions identified below:

- Termination for Convenience (also see Stop Work)
- Termination for Default
- Termination for Funding

Agencies may negotiate a termination provision into the purchase order before issuance. The Contractor is not legally obligated to accept increased risk.

Delivery of Products and Services The order must be issued before the expiration date of the CMAS contract.

However, delivery of the products or completion of the services may be after the expiration of the CMAS contract as specified in the purchase order.

Substantiate Contract is Valid Prior to issuing an order, agencies should check the CMAS website (www.pd.dgs.ca.gov/cmas, select Find a CMAS Contract) to substantiate the contract is still active.

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SECTION 3 – PURCHASE ORDER PROCEDURES, Continued

**Multiple Contracts -
One Purchase Order
Form**

Agencies wishing to include multiple CMAS contracts on a single purchase order must adhere to the following guidelines:

- All CMAS contracts must be for the same contractor.
 - The purchase order must go to one contractor location.
 - For each individual contract (as differentiated by alpha suffix), the agency must identify and group together the contract number with the line items and subtotal per contract number (do not include tax in the subtotal), AND sequentially identify each individual contract as Sub #1, Sub #2, Sub #3, etc.
-

**Where to Send
Purchase Order?**

The original purchase order is sent directly to the awarded contractor shown on the PO.

Local government agencies are required to send a copy of the purchase order to the DGS Procurement Division at the following address:

California Department of General Services
Procurement Division – Data Management Unit, MS #2-203
PO Box 989052
West Sacramento, CA 95798-9052

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SECTION 4 – CONTRACT CONSIDERATIONS

CMAS Contract Numbers

The numbers in a CMAS contract number are significant as follows:

- Contract numbers begin with a 3 for information technology products and/or services.
 - Contract numbers begin with a 4 for non-information technology products.
 - Contract numbers begin with a 4 and include a 03 in the third field for non-information technology services (Example: 4-XX-03-XXXXA).
-

What Comprises a Complete CMAS Contract?

A complete CMAS contract consists of the following elements:

- Cover page with Department of General Services (DGS) logo and CMAS analyst's signature.
 - CMAS Ordering Instructions and Special Provisions.
 - Payee Data Record (Std. 204)
 - California CMAS Terms and Conditions.
 - Federal General Services Administration (GSA) contract or non-GSA multiple award contract terms and conditions.
 - Federal General Services Administration (GSA) contract or non-GSA multiple award contract products, services, and prices.
-

Why Does Agency Need Copy of CMAS Contract?

A copy is needed to:

- Determine warranties, guarantees, maintenance provisions, product return policies, bond requirements, travel costs, etc.
 - Determine if products and services are available on the contract
 - Determine which products and/or services are specifically excluded
 - Determine if prices quoted are at or below contract rates
 - Determine if additional approvals, forms, filings, etc. are required
 - Substantiate that the Contractor is certified as a small business
 - Substantiate that the Contractor has a valid Seller's Permit
 - Substantiate that the Contractor has a valid Contractor's License
 - Obtain contractor's signed Payee Data Record (Std. 204)
-

Small/Disabled Veteran Business Certification and Status Verification

The CMAS List of Contractors identifies Small Business and Disabled Veteran Business Enterprises (SB/DVBE) that have been certified by the Office of Small Business and DVBE Services (OSDS).

The CMAS Unit substantiates that the Contractor is certified as a SB or DVBE when the contract is established, and we indicate in the contract their certification number and the date the certification expires.

Before issuing the purchase order, we recommend the agency verify the Contractor's SB/DVBE status by contacting OSDS at 916/375-4940 or on their website at www.pd.dgs.ca.gov/smbus. A list of the CMAS SB/DVBE Partners is on the CMAS website as follows: www.pd.dgs.ca.gov/cmas (Select "Find a CMAS Contract")

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CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 4 – CONTRACT CONSIDERATIONS, Continued

Liquidated Damages and Acceptance Testing/Criteria

If the agency wants to include acceptance testing and liquidated damages for late delivery, the criteria must be added to the RFO and purchase order to be applicable.

Public Works - Bond Requirements

Prior to the commencement of performance, the Contractor must obtain and provide to the ordering agency, a payment bond, on Std. Form 807, when the purchase order involves a public works expenditure (labor/installation costs) is in excess of \$5,000. Such bond shall be in a sum not less than one hundred percent (100%) of the contract price. Forms shall be provided to the Contractor by the ordering agency. See the General Terms and Conditions, CMAS Public Works Requirements.

Progress Payments

A progress payment is a partial payment for a portion or segment of the work needed to complete a task. To determine whether a particular task is separate and distinct, you must decide if later tasks build on it. Agencies wishing to allow progress payments for services are required to adhere to the following guidelines.

a. Special Information Technology Products and/or Services

Any contract for information technology products and/or services (Public Contract Code 12112), to be manufactured or performed by the Contractor especially for the State and not suitable for sale to others in the ordinary course of the Contractor's business may provide, on such terms and conditions as the department deems necessary to protect the State's interests, for progress payments for work performed and costs incurred by the Contractor, provided that not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance. Interim risk assessment guidelines and financial protection measures are detailed in PCC 12112 for agencies to use to determine the applicability to their projects.

b. Special Goods

Any contract for goods (Public Contract Code 10314) to be manufactured or performed by the Contractor especially for the State and not suitable for sale to others in the ordinary course of the Contractor's business may provide, on such terms and conditions as the department deems necessary to protect the State's interests, for progress payments for work performed and costs incurred by the Contractor, provided that not less than 10 percent of the contract price is required to be withheld until final delivery and acceptance of the goods or services, and provided further, that the Contractor is required to submit a faithful performance bond, acceptable to the department, in a sum not less than one-half of the total amount payable under the contract securing the faithful performance of the contract by the Contractor.

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CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 4 – CONTRACT CONSIDERATIONS, Continued

Progress Payments (continued)

c. Non-Information Technology Services

Any contract for non-information technology services (Public Contract Code 10346) may provide for progress payments to contractors for work performed or costs incurred in the performance of the contract. Not less than 10 percent of the contract amount shall be withheld pending final completion of the contract. However, if the contract consists of the performance of separate and distinct tasks, then any funds so withheld with regard to a particular task may be paid upon completion of that task.

Recommended policy for state agencies:

- Discourage progress payments whenever possible.
 - Do not allow progress payments on purchase orders for less than three months.
 - If progress payments are to be made, they should be made not more frequently than monthly in arrears or at clearly identifiable stages of progress, based upon written progress reports submitted with the Contractor's invoices.
 - Progress payments shall not be made in advance of services rendered.
-

Travel

If the CMAS contract provides for travel, agencies may pay travel and per diem expenses according to their respective statutory requirements.

All travel and per diem expenses must be within contract parameters, and incorporated into the agency purchase order.

It is important that the agency and contractor discuss necessary travel requirements prior to issuing the purchase order because the detail and cost (only as allowed for in the CMAS contract) must be included in the agency purchase order to be payable.

Maintenance Sales Tax

The Board of Equalization has ruled that in accordance with Regulation 1546 of the Sales and Use Tax Regulations of the Business Taxes Law Guide, that whenever optional maintenance contracts include consumable supplies, such supplies are subject to sales tax.

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SECTION 4 – CONTRACT CONSIDERATIONS, Continued

**Maintenance Sales
Tax (continued)**

Generally, the agency has two options:

1. For contracts that provide for only maintenance services (i.e., the furnishing of labor and parts necessary to maintain equipment), the charges for the provision of maintenance services are not taxable.
2. For contracts that provide for both maintenance services and consumable supply items (i.e., toner, developer, and staples), the provision of the consumable supplies is considered a taxable sale of tangible personal property. Therefore, agencies awarding optional maintenance contracts are responsible for paying the applicable sales tax on the consumable supplies used during the performance period of the maintenance contract.

The Contractor will be required to itemize the consumables being taxed for accounting purposes.

CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 5 – BEST VALUE DETERMINATION

CMAS Assessment of Offers When using the CMAS contracting process, agencies use best value criteria to assess the offers and select the awarded contractor.

What is Best Value? Best value is whatever the agency identifies as critical and important to the success of the project. (See Public Contract Code 12100.7g)

Here are some samples of possible best value criteria:

- The price of the product or service
 - The operational cost that the agency would incur
 - Quality of the product or service, or its technical competency
 - Reliability of delivery and implementation schedules
 - Warranties, guarantees and return policy
 - Supplier financial stability
 - Quality and effectiveness of business solution and approach
 - Industry and program experience
 - Prior record of supplier performance
 - Supplier expertise with engagements of similar scope and complexity
 - Proven development and methodologies and tools
 - Innovative use of current technologies and quality results
-

Determining Best Value To determine best value, the following minimum steps are required. Agencies must:

- Define their requirements (RFO/Statement of Work)
 - Obtain a copy of the contract from the Contractor
 - Review the contract in context with agency requirements and contractor offer
 - Compare contracts and offers with those from other contractors
-

Review Resumes Before selecting a contractor for a services project, the agency must review the resumes of all contractor personnel to ensure that the expertise, education, and experience offered correlates with that specified in the CMAS contract and the requirements of the RFO.

Document Files Follow Local Agency requirements for documentation of complete procurement file.

CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 6 – PAYMENTS AND INVOICES

Fees to Use CMAS	<p>Effective 1/1/2010, local government agencies no longer pay the Department of General Services (DGS) an administrative fee to place an order against a CMAS contract. In lieu of this fee paid by the using local government agency, the selling CMAS contractor pays the DGS a 1% incentive fee. The 1% incentive fee is waived for CMAS Contractors who are California certified small businesses.</p>
CAL-Card (Credit Card)	<p>CAL-Card is a payment mechanism some State and local government agencies use for the purchase of goods and services. The CMAS contract will stipulate whether or not the Contractor accepts the CAL-Card.</p> <p>A purchase order document is required even when the ordering department chooses to pay the contractor via the CAL-Card. When applicable, the purchase order should indicate if payment was made via CAL-Card. The contractor pays DGS the 1% incentive fee for all CMAS orders from local government agencies, even if payment is made via CAL-Card.</p>
Advance Payments	<p>It is NOT acceptable to pay for services in advance except software maintenance and license fees, which are considered a subscription, may be paid in advance if a provision addressing payment in advance is included in the purchase order. Warranty upgrades and extensions may also be paid for in advance, one time.</p> <p>Advance payment for services is allowed by Government Code 11019 only under limited, narrowly defined circumstances, e.g., between specific departments and certain types of non-profit organizations, or when paying another government agency.</p>
Contractor Name/Ownership Change	<p>Many contractors are changing name and ownership status. The company name on the CMAS contract, purchase order and invoice must match or the agency's controller's office may not approve payment. Do not approve invoices if the company name varies between these documents. Contractors must contact the CMAS Unit to initiate a legal name change for their CMAS contract.</p>
Required Payment Date	<p>Payment will be made in accordance with the provisions of the California Prompt Payment Act, Government Code Section 927 et. seq. Unless expressly exempted by statute, the Act requires state agencies to pay properly submitted, undisputed invoices not more than 45 days after (i) the date of acceptance of goods or performance of services; or (ii) receipt of an undisputed invoice, whichever is later.</p> <p>Disputed invoices should be rejected and returned immediately to the Contractor for correction.</p>

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SECTION 7 – USEFUL WEBSITES

Board of Equalization	www.boe.ca.gov , then select “Verify a Permit or License”
California Codes and Laws	www.leginfo.ca.gov , then select “California Law”
CMAS	www.pd.dgs.ca.gov/cmas
CMAS Small Business Partners	www.pd.dgs.ca.gov/cmas , then select “Find a CMAS Contract”, then “Small Business Contractors”
Contractor License Status	www.cslb.ca.gov , then select “Instant License Check”
Dept. of Finance	www.dof.ca.gov
Federal General Services Administration (GSA)	General Information: www.gsa.gov Search: www.gsaelibrary.gsa.gov
Governor’s Executive Orders	http://gov.ca.gov/news-room , then select “Executive Orders”
Office of Small Business and DVBE Services	www.pd.dgs.ca.gov/smbus
Procurement Division Phone Directory	www.dgs.ca.gov/pd , then select “Contact Us”
State Admin. Manual (SAM)	http://sam.dgs.ca.gov/default.htm
State Contracting Manuals (SCM)	www.dgs.ca.gov/pd , then select the “Policies/Training” tab

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SECTION 8 – RENTAL, FINANCE AND LEASE POLICIES

State of California's Financial Marketplace

All CMAS purchase orders may qualify for financing and leasing via the State of California's financial marketplace, managed by the Department of General Service's Procurement Division. Both programs can be found through the Procurement Division's Home Page: www.dgs.ca.gov/pd (select the Programs/Services tab, then State Financial Marketplace).

Federal Lease to Own Purchase (LTOP)

Federal Lease to Own Purchase (LTOP) and hardware rental provisions with no residual value owed at end term are acceptable (\$1 residual value at the end of the term).

This alternative financing arrangement may be faster, but a more expensive alternative to GS \$Mart™ or Lease \$Mart™.

The following requirements apply to the use of any Lease to Own Purchase (LTOP) Plans.

Cancellation of a lease for lack of funds should only be done when the organization is no longer funded. Court decisions have held that Terminations for Convenience should only be employed when the agency no longer has a requirement for the equipment. Example: An employee has retired and the position will not be filled so now there is a piece of equipment that is not needed. In other words, a desire for something different, newer, or better is not a justification for the premature cancellation of a lease.

Federal Lease Provisions

Except for LTOPS, federal GSA lease provisions are NOT acceptable and cannot be sold through CMAS because the rates and contract terms are unacceptable.

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SECTION 9 - SERVICES

Definition of Personal, Consulting, and Technical Services

Personal Services – Services that have someone doing something, e.g., photography, cleaning services, graphic design.

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

Technical Services – Services providing maintenance, repair, or installation on either IT or Non-IT equipment.

Public Works Services
(revised 3/3/11)

Physical layer cable installation and carpet installation (any change to a public structure) are considered public works. Agency CMAS purchase orders may allow for public works installation only when it is incidental to the total purchase order amount. The total dollar value of all public works services included in the purchase order must not exceed the dollar value of the products. See Section 11 for Public Works Projects.

Service and Delivery after Contract Expires

The purchase order must be issued before the CMAS contract end term. However, delivery of the products or completion of the services may be provided after the contract end term, as specified in the purchase order.

Review Resumes

To ensure sufficient expertise, prior to issuing a purchase order for services, the agency is required to review the resumes of all personnel the Contractor intends to use to fulfill the transaction.

Agencies should verify that the Contractor personnel meet education and/or experience requirements listed in the CMAS contract, and meet the requirements of their RFO. Agencies should also check the resumes of any proposed substitutions to the Contractor's personnel to ensure they meet the same requirements.

Progress Payments

Agencies wishing to allow progress payments for services must adhere to the guidelines in Section 4, Progress Payments.

Follow-on Contracts Prohibited

No person, firm, or subsidiary thereof who has been awarded a purchase order for consulting services, or a purchase order that includes a consulting component, may be awarded a purchase order for the provision of services, delivery of goods or supplies, or any other related action which is required, suggested, or otherwise deemed appropriate as an end product of a prior purchase order (State Administrative Manual, Section 5202 and PCC 10365.5).

Example: Any consultant that contracts with an agency to develop a feasibility study or provide formal recommendations for the acquisition of products or services is precluded from contracting for any work recommended in the feasibility study or the formal recommendation.

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CMAS LOCAL GOVERNMENT AGENCY GUIDE

(revised 3/3/11), Continued

**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.

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SECTION 10 – NOT SPECIFICALLY PRICED (NSP)

Open Market, Incidental, and Non-Contract Items

The only time open market/incidental, non-contract items, may be included in a CMAS purchase order is when they fall under the parameters of the Not Specifically Priced (NSP) provision.

If the NSP provision is not included in the CMAS contract, or the products and/or services required do not qualify under the following parameters, the products and/or services must be procured separate from CMAS.

Subordinate and Peripheral

The NSP provision enables the agency to include in the purchase order non-contract products and services that are subordinate and peripheral to the other purchase order items, as follows:

- A purchase order containing NSP items may be issued only if it results in the best value alternative to meet agency needs.
 - Any product or service already specifically priced and identified in the contract may not be identified as a NSP item in a purchase order.
 - All NSP items included in a purchase order issued against a CMAS contract are subject to all the terms and conditions set forth in the contract.
-

Items Specifically Excluded (revised 3/3/11)

The following NSP items ARE SPECIFICALLY EXCLUDED from any purchase order issued under the contract:

1. Items that are not intended for use in direct support of the CMAS priced items identified in the same purchase order. A NSP item must be subordinate to the specifically priced item that the NSP item is supporting.
 2. Supply type items, except for the minimum amount necessary to provide initial support to the priced CMAS items included in the same purchase order.
 3. Items that do not meet the Productive Use Requirements for information technology products.
 4. Any other items or class of items that are specifically excluded from the scope of the CMAS contract.
 5. Public Works components that are NOT incidental to the total purchase order amount. See Section 11, Public Works Projects.
 6. Products or services the Contractor is NOT factory authorized or otherwise certified or trained to provide.
 7. Follow-on consultant services that were previously recommended or suggested by the same contractor.
-

NSP Dollar Limit

Purchase orders \$250,000 or less: Total dollar value of all NSP items shall not exceed \$5,000.

Purchase orders exceeding \$250,000: Total dollar value of all NSP items shall not exceed 5% of the total cost of the purchase order, or \$25,000, whichever is less.

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SECTION 10 – NOT SPECIFICALLY PRICED (NSP), Continued

NSP Not Available

All contracts do not include the NSP provision. The NSP provision is included at the option of the Contractor and the CMAS Unit.

The NSP provision will not be included in contracts for services only, furniture, or software only.

Agency purchase orders for NSP items only are prohibited.

Manufacturer Authorization Required

Agencies must substantiate (through manufacturer authorizations) that the Contractor is an authorized provider of the products and product related services (maintenance, repair, etc.) that are offered under the NSP provision.

Clearly Identify NSP

The NSP items must be separately listed and clearly identified on the purchase order.

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SECTION 11 – PUBLIC WORKS PROJECTS

Definition of a Public Works Project

A public works contract is defined as a contract for “the erection, construction, alteration, repair or improvement of any public structure, building, road or other public improvement of any kind” in accordance with the Public Contract Code Section 1101.

Installation of Physical Layer Cable and Carpet (revised 3/3/11)

Installation of physical layer cable and carpet is considered public works. Agency CMAS purchase orders may allow for public works installation only when it is incidental to the total purchase order amount. The total dollar value of all public works services included in the purchase order must not exceed the dollar value of the products.

Applicable Laws and Codes

Agencies are to ensure that the applicable laws and codes pertaining to contractor and sub-contractor licensing, prevailing wage rates, bonding, labor code requirements, etc., are adhered to by prime contractors as well as sub-contractors during the performance under the agency’s CMAS purchase order.

Agency Responsibility

In accordance with Labor Code Section 1773.2, the ordering agency is responsible for determining the appropriate craft, classification or type of worker needed for any contract for public works.

Also, the agency is to specify the applicable prevailing wage rates as determined by the Director of the Department of Industrial Relations (DIR). In lieu of specifying the prevailing wage rates, the agency may include a statement on the purchase order that the prevailing wage rates are on file at the agency’s office, and will be made available upon request. The prevailing wage rates are available from the DIR at (415) 703-4774 or www.dir.ca.gov (select Statistics and Research).

Verify Status of Contractor’s License

The CMAS Unit substantiates that the Contractor holds the appropriate license when the contract is established. However, the agency must verify that the Contractor’s license is still active and in good standing prior to placing the order by calling the State Contractor’s License Board at 1-800-321-2752 or checking their website at www.cslb.ca.gov.

Prime and Subcontractors Both Must Be Licensed

When contractor’s licenses are required, the prime and subcontractor (if applicable) must both hold a valid license for the work being performed.

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CMAS LOCAL GOVERNMENT AGENCY GUIDE

SECTION 11 – PUBLIC WORKS PROJECTS, Continued

Bond Requirements Public Works: Prior to the commencement of performance, the Contractor must obtain and provide to the agency, a payment bond, on State Std. Form 807, when the contract involves a public works expenditure (labor/installation costs) in excess of \$5,000.

Such bond shall be in a sum not less than one hundred percent (100%) of the contract price. Forms shall be provided to the Contractor.

See the CMAS Contract General Terms and Conditions, CMAS Public Works Requirements.

SECTION 12 – SUPPLIER COMPLIANCE

Compliance Focus The following guidelines pertain to state agencies only and are provided for information only.

The Procurement Division, Purchasing Authority Management Section (PAMS), conducts periodic compliance reviews of supplier's orders. These reviews are conducted at DGS headquarters. Local agencies may receive phone calls from PAMS regarding orders placed against CMAS contracts.

What is Reviewed? Supplier must have evidence of the following available for review:

- Did the Contractor have a current CMAS contract?
- Did the supplier provide the agency with a copy of the contract and the individual price pages for the items purchased?
- Was pricing bundled?
- Are the prices, position titles, skill levels and hourly rates delineated and do they correlate with those specified in the CMAS contract?
- Does the purchase order reflect the correct contract number?

Contractor Compliance Reviews The DGS conducts supplier compliance reviews. The agency is not involved in these reviews.

Be aware that contractors are required to return to the agency any purchase order that is non-compliant with the provisions of the contract at which point an amendment would be required to correct the information, or a new purchase order drafted.

The types of compliance issues reviewed are: Overcharging? Are the products and services on the contract and delineated by product/model, hourly rate, position title, or skill level as specified in the contract? Are prices bundled? Is the appropriate CMAS contract being used and in good standing? Have all contractor Quarterly Reports been submitted?

CMAS LOCAL GOVERNMENT AGENCY GUIDE

ATTACHMENT A – CMAS WEBSITE SEARCH INSTRUCTIONS

Website Go to www.pd.dgs.ca.gov/ctmas and select “Find a CMAS Contract”, then search by Product/Service Description or Contractor Name.

Limited Descriptors The CMAS database limits contract descriptors to a maximum of 12 per contract. More products and services may be available on the contract.

Basic Search

Search by Product/Service Description

- Click on CMAS Product/Service
- Click on View Products/Services (scroll list and click on what you need and then scroll back to the top and click on “[here](#)” to populate the search field.)
- Click on box for Small Business (S/B) and/or Disabled Veteran Business Enterprise (DVBE) if applicable.
- Click on Search button
- Contracts (if any found) will be displayed in a new window (click on contract number for details).

Search by Contractor Name

- Click on Contractor Name
 - Enter partial or full name of contractor
 - Click on box for Small Business (S/B) and/or Disabled Veteran Business Enterprise (DVBE) if applicable.
 - Contracts (if any found) will be displayed in a new window (click on contract number for details).
-

Advanced Search

Click on **Advanced Search** (towards top of screen).

Under **Select Search Scope**, click on following search options:

- **Any** (default) – Displays pages that contain the words (in any order) in the search box. For personal computers, all pages that contain either personal or computer will be displayed.
 - **All** – Displays pages that contain the words in the search box. For personal computers, all pages that contain both personal and computers will be displayed.
 - **Exact Phrase** – Displays pages that contain the exact words (in the exact order) as in the search box.
-

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CMAS LOCAL GOVERNMENT AGENCY GUIDE

ATTACHMENT A – CMAS WEBSITE SEARCH INSTRUCTIONS, Continued

Advanced Search (continued)

The following options are available. Once the option has been selected, click the “SEARCH” button to execute search.

- For **CMAS Product/Service Search**, click here and enter product/service description (complete phrases, multiple terms, or partial word like micro is acceptable). For the most accurate results, type in the product/service description as it appears in **View Codes**. Click on **View Codes** for a list of descriptions.
- For **CMAS Contractor Name**, click here and enter complete or partial names.
- For a list of only **Small Business (SB)** and/or **Disabled Veteran Business Enterprises (DVBE)**, click the appropriate box.
- For **CMAS Contract Number Search**, click here and enter the CMAS contract number (X-XX-XX-XXXXA).
- For **Contractor Location Search** by city, click here.
- For **Contract Category Search**, click here and using the drop down menu search by contract category. Categories are general descriptions like Telecommunication Equipment or Non-Information Technology services.

Contracts (if any found) will be displayed in a new window (click on contract number for details)

Search within Results

Use the initial search results and click on **Search Within Results** at the top of the screen. Enter any part or all of the **CMAS Product/Service Codes** to further refine your search.

Once the option has been selected, click the “**SEARCH**” button to execute search.

Contracts (if any found) will be displayed in a new window (click on contract number for details)

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ATTACHMENT B – AMERICANS WITH DISABILITIES ACT (ADA) NOTICE

ADA Policy

The following outlines the Department of General Services, Procurement Division, Americans with Disabilities Act (ADA) policy for nondiscrimination on the basis of disability:

To meet and carry out compliance with the nondiscrimination requirements of the Americans with Disabilities Act (ADA), it is the policy of the Procurement Division (within the State Department of General Services) to make every effort to ensure that its programs, activities, and services are available to all persons, including persons with disabilities.

Phone Numbers for Help

For persons with a disability needing a reasonable accommodation to participate in the procurement process, or for persons having questions regarding reasonable accommodation for the procurement process, please contact the Procurement Division at (916) 375-4400 or the TTY/TDD and the California Relay Service at:

Voice: (800) 735-2922
TTY/TDD: (800) 735-2929

You may also directly contact the Procurement Division contact person responsible for the procurement document.

Advance Notice

IMPORTANT: To ensure that we can meet your need, it is best that we receive your request at least 10 working days before the scheduled event (i.e., meeting, conference, workshop, etc.) or deadline due date for the procurement document.
