



**Department of General Services
Procurement Division**

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**TO: Purchasing Authority Contacts (PACs)
Procurement and Contracting Officers (PCOs)
State Contracting Advisory Network (SCAN)**

**RE: Upcoming Management Memos on Timely Submittal of Procurement and
Contracting Documents and Timely Submittal of Non-Competitive Bid (NCB)
Requests**

This is to advise you that the Department of General Services (DGS) will be issuing Management Memos in the near future regarding the timely submittal of procurement and contracting documents, timely submittal of non-competitive bid requests, and guidelines for timely submittal. Untimely submittals will not be accepted, unless they meet certain exemption criteria that will be included in the Management Memos. This advance notice is given so that you will be able to determine the impact this may have upon your own existing practices and how to revise those practices to comply with these memos.

As you are aware, Public Contract Code sections 10295 and 10335 subdivision (a) provide that all contracts for the acquisition of non-information technology goods and services are void unless and until approved by the Department of General Services (DGS) and that contracts are effective from the date of DGS approval, except where departments have delegated purchasing authority. As you are also aware, Public Contract Code section 12102 provides that the DGS must acquire all information technology goods and/or services, except when departments are delegated to acquire information technology. When departments acquire information technology goods and/or services under their delegation, they must follow the appropriate rules of their delegation, including assuring that their contracts are approved by the DGS as required. Operating without a fully executed and properly approved contract places the State at risk.

Public Contract Code section 10371, subdivision (d) provides that, except in an emergency, no consulting services contract shall be commenced prior to formal approval by DGS if such approval is legally required.

Notwithstanding existing law and policy, the DGS has been receiving an increasing number of procurement and contract documents, including NCB requests, where the start date of the contract or the desired effective date of the amendment has already passed. It is the intention of the DGS to assure that the process by which contracts are approved is one that conforms not only to law and policy, but also to good business practices that protect the interests of the State.

It is recognized that the implementation must be managed in a way that minimizes negative consequences to your program operations while creating a stronger model for the State's procurement and contract management process. Therefore, strict compliance will follow an implementation period in which your procurement and contract management operations will be expected to conform to the standards to be issued. The DGS will also issue guidance when the Management Memos are issued concerning the implementation of the standards. In addition, staff will be available to answer any questions that you have following the issuance of the Management Memos.