

4.08 • STANDARD CONTRACT FORMAT AND OBTAINING APPROVAL FROM DGS/OLS

(Rev ~~016/17~~18)

B. Number of Copies

1. ~~Under the standardized contracting process, when approval by~~When submitting your documents to DGS/OLS is required, the following information should be ~~provided~~submitted according to the chart below:

STD 215	For all agreements and amendments: Send two copies.
STD 213, exhibits and backup	Four (4) of the STD 213 face sheets as indicated below: One <u>executed</u> STD 213 with original <u>and/or e-signatures</u> , attached to a complete copy of the agreement, plus all relevant back up. One <u>executed</u> STD 213 with original <u>and/or e-signatures</u> , no attachments. Two copies of the STD 213, no attachments.
STD 213A, exhibits and backup	Four (4) of the STD 213A face sheets as indicated below: One <u>executed</u> STD 213A with original <u>and/or e-signatures</u> , attached to a complete copy of the amendment, plus all relevant backup. One <u>executed</u> STD 213A with original <u>and/or e-signatures</u> , no attachments. Two copies of the STD 213A, no attachments. <u>And:</u> One reference copy of the original Agreement and STD 215 transmittal, along with copies of all prior amendments and STD 215 transmittals, regardless of whether or not they were exempt from DGS/OLS review.
<p>NOTE: At least two (2) of the STD 213s or 213As must bear original handwritten signatures. Stamped replicas of signatures are not acceptable as original signatures. Generally, no more than four (4) copies of the agreement will be signed by DGS/OLS.</p> <p><u>Contracting agencies typically keep two “original” contract documents – one for the contracting entity and one for the contractor. As mentioned below, the additional two copies of the STD 213 or 213A are for the State Controller’s office and DGS/OLS’s records.</u></p>	

Contracting agencies should clearly designate at least two (2) of the STD. 213s or 213As as originals. This is particularly important when the STD 213s or 213As contains *only* e-signatures (i.e., when there are no original signatures on the form) contracting agencies should mark two (2) of the executed documents as “original.”

After approval by DGS/OLS, the copies will be distributed as follows:

- a. One copy of the STD 215 and STD 213 or 213A face sheet will be forwarded to the State Controller's office. This step is not required for contracts submitted by district agricultural associations or for contracts in which payment is not from funds in the State treasury.
- b. DGS/OLS will retain only one copy of the STD 215 and STD 213 or 213A face sheet. In some instances, at the discretion of DGS/OLS, a complete agreement will be retained at DGS/OLS.
- c. The remaining two (2) STD 213s or 213As designated as original ~~with original signatures~~ will be returned to the submitting agency.

E. The State is ~~the~~ in the process of transitioning to FI\$Cal, a business transformation project in the areas of budgeting, accounting, procurement, and cash management. (See www.fiscal.ca.gov)

1. Currently, FI\$Cal has not resulted in any change to the process for submitting hardcopy contracts to DGS/OLS for review and approval.
2. For agencies enrolled in FI\$Cal, once DGS/OLS approves and returns a contract to the contracting agency, it is the contracting agency's obligation to upload the approved contract into Fi\$Cal.

F. E-Signature Policy: SAM Management Memo 17-03 (Oct. 2017) identifies the permissible types of e-signatures and the requirements for using e-signatures, automatic or electronic transactions, and electronic records in transacting state business. Contracting entities are responsible for complying with MM 17-03 as well as any State Controller's requirements.

5.07 • DIFFERENCES BETWEEN IFBs AND PRIMARY RFPs

(Rev ~~11/01/18~~ 17)

The general differences are indicated in Table 5.2. To easily distinguish the two methods, different terminology is used. Generally, in IFBs the terms Bid and Bidder are used, and in RFPs the terms Proposal and Proposer are used, although the PCC uses them interchangeably.

Table 5.2

Invitation for Bid	Primary Request for Proposal
Bidders may need to certify only that they meet the IFB requirements. Bidders acknowledge that they meet the IFB requirements.	Narrative proposals containing varying amounts of proposer information are usually required to be submitted.
Sealed bids or price quotes are submitted. A single-envelope or two-envelope process may be used.	Sealed cost proposals are submitted in separate envelopes from the narrative proposals.
A pass/fail determination is made for responsiveness to IFB requirements. This can be accomplished after bids are opened and read aloud.	Proposals are reviewed for responsiveness to RFP format requirements. Proposals may be rated or scored. Cost/price offerings of qualified proposers are opened and read aloud for responsible proposers
Bidders' conferences are optional but are rarely needed.	Bidders' conferences are optional but are often held to clarify the services being sought.
To obtain services valued at \$ 510 ,000 or more.	Same as for IFB.
IFBs are used to secure simple services calling for routine personal or mechanical skills. Work methods are standard, or little discretion exists in terms of how the work is performed.	RFPs secure complex services calling for technical and/or professional skills and expertise. The proposer uses discretion in applying various approaches or methods.
Bidder capabilities are not rated or scored. Bidders either pass or fail IFB requirements.	Proposer qualifications, capability, and experience may be scored on evaluation criteria stated in the RFP.
The statement of work (SOW) is clearly stated. Bidders are generally told what,	The SOW contains as much detail/depth as possible but may include

how, when, and where work and services are to be done.	an agency's needs, goals, and objectives. Proposers are relied on to recommend methods or approaches to meet an agency's needs.
Award is made to the lowest responsible bidder.	Same as for IFB.

5.75 • ADVERTISING STATE-CONTRACTING OPPORTUNITIES

(Rev 016/1817)

- A. Contracts of \$510,000 or more must be advertised in the CSCR for at least 10 working days, unless exempt from bidding. Agencies ~~shall~~ can not release solicitations prior to publication in the CSCR. Contracts awarded as an NCB and amendments that require an NCB approval, will be published in the CSCR by DGS/PD as part of the NCB approval process. No agency action is required to publish the NCB approval. (GC §§ 14827.1, 14827.23; PCC § 10335(a).)

5.80 • CONTRACTS EXEMPT FROM ADVERTISING IN THE CSCR AND COMPETITIVE BIDDING

(Rev 016/17 18)

As noted in section 5.05, competitive bidding is required unless there is a legally authorized basis for bid exemption. Key exemption categories are identified below.

B. DGS Approved Exemptions (PCC § 10348)

The State is committed to promoting fair and open competition whenever it is required or otherwise feasible. There are, however, circumstances under which a department may award a contract or amendment to a vendor on a non-competitive basis even though there is no express statutory exemption from bidding. Under Public Contract Code section 10348, DGS is authorized to determine when an award can be made without competition. DGS may do so on a case-by-case basis for a department's application (NCB/SCR) as described in section B.1 below, and on a pre-approved categorical basis as described in section B.2 below.

2. DGS Categorical Exemptions (PCC § 10348; historical references: SAM 1233, MM 03-10).

p. Contracts valued under \$10,000. These contracts may be but are not required to be advertised or competitively bid. State agencies may obtain one price quotation from a responsible supplier that provides a reasonable price; if, however, there is reason to believe a response from a single supplier is not fair and reasonable, then the state agency must obtain at least two price quotations from responsible suppliers. State agencies should retain documentation establishing how the price was determined to be fair and reasonable. Contracting entities should consider the information in SCM Volume II, Chapter 4 (Competitive Solicitations) Topic 2 – “How to Determine Fair and Reasonable Pricing” (§§ 4.C2.0 – 4.C2.2) for additional guidance. Contracting entities are encouraged to consider obtaining price quotes from certified Small Businesses and Disabled Veteran Business Enterprises (SB/DVBE) for these contracts.

5.90 • CONTRACTS UNDER TEN FIVE-THOUSAND DOLLARS – PRICE QUOTATION(S)

(Rev 11/01/1718)

Contracts under \$~~5~~10,000 are not required to be advertised or competitively bid (~~PCC § 10335~~). ~~However, agencies should obtain price quotes if there is reason to believe a response from a single source is not a fair and reasonable price. Cost justification should be documented.~~ State agencies may obtain one price quotation from a responsible supplier that provides a reasonable price; if, however, there is reason to believe a response from the single supplier is not fair and reasonable, then the state agency must obtain at least two price quotations from responsible suppliers. State agencies should retain documentation establishing how the price was determined to be fair and reasonable. (Gov. Code, § 14827.3; Pub. Contract Code, § 10348.) Contracting entities should consider the information in SCM Volume II, Chapter 4 (Competitive Solicitations) Topic 2 – “How to Determine Fair and Reasonable Pricing” (§§ 4.C2.0 – 4C2.2) for additional guidance. Contracting entities are encouraged to consider obtaining price quotes from certified Small Businesses and Disabled Veteran Business Enterprises (SB/DVBE) for these contracts.