



**Department of General Services
Procurement Division**

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Broadcast Date: November 13, 2024

Bulletin #: P-06-24

**TO: Purchasing Authority Contacts (PACs)
Procurement and Contracting Officers (PCOs)
Information Technology (IT) Vendors**

RE: Updated Information Technology – General Provisions for Non-Cloud Goods and Services and Cloud Computing Services

Purpose The purpose of this Broadcast Bulletin is to announce and make available the updated General Services Procurement Division (GSPD) Information Technology – General Provisions (ITGPs):

- [GSPD-ITGP \(Non-Cloud Goods and Services – Rev. 11/12/24\)](#)
- [GSPD-ITGP \(Cloud Computing Services – Rev. 11/12/24\)](#)

Policy State departments must incorporate, by reference, the applicable ITGPs (Non-Cloud Goods and Services or Cloud Computing Services) in solicitations and contracts pursuant to instructions provided in the State Contracting Manual (SCM).

Background The ITGPs (Non-Cloud Goods and Services and Cloud Computing Services) have been updated as follows:

- Revised format
 - Document title changes
 - Combined the Cloud Computing Special Provisions for Infrastructure as a Service (IaaS), Platform as a Service (PaaS), and Software as a Service (SaaS) into a single document (ITGP – Cloud Computing Services – Rev. 11/12/24)
 - Below are examples of new and updated clauses:
 - **Sections 5.1 and 5.2 (New)** – “Support and Professional Services”
 - **Section 8 (Updated)** – “Warranties & Representations”
 - **Section 10 (New and Updated)** – “Confidentiality and Data Rights”
 - **Section 11 (Updated)** – “Indemnification”
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- **Section 12 (Updated)** – “Limitation of Liability”
 - **Section 13.1 (Updated)** – “Compliance with Statutes & Regulations”
 - **Section 15.5 (New)** – “Software License Audit”
 - **Section 15.6 (New to Cloud)** – “Cloud Service Overage Charges”
 - **Section 20.4 (New)** – “Notice of Insolvency”
 - **Section 20.11 (New)** – “Survival”
 - **Section 21 (New)** – “Data Protection Provisions”

“Highlights of Changes,” which includes IT vendor general feedback and DGS/California Department of Technology (CDT) responses from the IT vendor forum (held March 11, 2024) is available on the DGS Procurement Division’s webpage, or by clicking the link below:

- [Highlights of Changes](#)

Procedure/Process The following procedures for incorporating the ITGPs apply to state buyers as follows:

The applicable ITGPs (Non-Cloud Goods and Services and Cloud Computing Services) shall be incorporated by reference in all solicitations released or contracts entered into on or after the November 12, 2024 effective date.

Any solicitation/bid (such as: Request for Offer, Request for Proposal, etc.) publicly issued prior to the November 12, 2024 effective date may be awarded without referencing the new ITGPs (Non-Cloud Goods and Services or Cloud Computing Services).

The updated ITGP (Non-Cloud Goods and Services and Cloud Computing Services) documents are available on the DGS Procurement Division’s webpage or by clicking the links below:

- [GSPD-ITGP \(Cloud Computing Services\) – Rev. 11/12/24](#)
- [GSPD - ITGP \(Non-Cloud Goods and Services\) – Rev. 11/12/24](#)

When making the determination of which ITGP document to use, the buyer will select one based on the classification, but will not select both for a single procurement. If the procurement contains any cloud computing service components, the ITGP (Cloud Computing Services) must be incorporated. When applicable, the buyer must include a statement of work for all Non-Cloud Goods and Services or Cloud Computing Services.

For departments transacting in FI\$Cal, buyers must incorporate the correct ITGP (Non-Cloud Goods and Services or Cloud Computing Services) by selecting the appropriate Standard Comment identified below:

Standard Comment ID	Description	Comments
ITGP-Cloud	IT General Prov. Cloud	General Services Procurement Division, INFORMATION TECHNOLOGY – GENERAL PROVISIONS CLOUD COMPUTING SERVICES, GSPD - ITGP (Cloud) (Revised and Effective 11/12/24), are incorporated herein by reference and can be accessed at: www.dgs.ca.gov/pd .
ITGP	IT General Prov. Non-Cloud	General Services Procurement Division, INFORMATION TECHNOLOGY – GENERAL PROVISIONS NON-CLOUD GOODS & SERVICES, GSPD-ITGP (Non-Cloud) (Revised and Effective 11/12/24), are incorporated herein by reference and can be accessed at: www.dgs.ca.gov/pd .

Buyers must thoroughly review the updated ITGP documents as some clauses have been removed while other clauses require buyers to take action and obtain certain approvals. Below are some examples:

- Section 3 – Order of Precedence – As a reminder, when a vendor includes attachments pursuant to section (f), buyers must review the information submitted by vendors, including click-through requirements, prior to contract execution to ensure none of the vendor’s provisions conflict with the ITGPs

or would otherwise override the ITGPs. This includes, but not limited to items such as: service-level agreements, user licensing agreements, or service agreements submitted by vendors. Buyers must not accept vendor provisions that include automatic renewals.

- Section 21.3 – Data Classification Standards – Before determining what to purchase, buyers need to classify their data pursuant to the State Administrative Manual (SAM) 5305.5, and consider the factors in SAM 4981.1, 4983 and 4983.1 when selecting a technology approach. Before determining a change in National Institute of Standards and Technology (NIST) Moderate requirements, the buyer must secure Chief Information Security Officer (CISO) approval.

SCM Vol. 2 has been revised to reflect the updated naming convention of the two ITGP (Non-Cloud Goods and Services and Cloud Computing Services) versions. To enhance visibility to this important topic, the SCM will soon be updated to include a new Chapter 24 “Contract Terms and Conditions.”

Questions

Submit questions to PPO@dgs.ca.gov.