

August 2019

# CMAS Local Government Agency Guide

(This packet supersedes all previous guides)

- General Information Regarding CMAS
- Call the CMAS Unit for Information at (916) 375-4365
- Contact [CMAS Unit](mailto:cmas@dgs.ca.gov) at [cmas@dgs.ca.gov](mailto:cmas@dgs.ca.gov)
- [CMAS Website](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules) ([www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules))



Procurement Division • Department of General Services  
State of California

# CMAS LOCAL GOVERNMENT AGENCY GUIDE

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 1 - OVERVIEW

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### Legislation

Public Contract Code (PCC) § 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.

Public Contract Code (PCC) § 10298 and 10299 authorizes local government agencies and school districts to use CMAS and other Department of General Services (DGS) 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.

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### 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.

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### Fees to Use CMAS

Local government agencies do not pay DGS an administrative fee to place an order against a CMAS. In lieu of this fee paid by the local government agency, the selling CMAS contractor pays DGS a 1.25% incentive fee.

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### 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 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.

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### Method of Establishing a CMAS

A CMAS is not established through a competitive bid process conducted by the State of California. It is because of this that all pricing, products and/or services offered must have been previously bid and awarded on a Federal General Services Administration (GSA) multiple award schedule.

To apply for a CMAS, a contractor must offer to provide products and/or services at prices based on an existing GSA schedule. The GSA 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 the award of a CMAS.

For clarity, the CMAS Program does not “use” the GSA schedule. Instead, the CMAS Unit establishes a totally independent California agreement for the same products and services at equal or lower prices.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 1 – OVERVIEW, Continued

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### What is Included?

CMAS agreements 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 awarded CMAS is structured to comply with California procurement codes, guidelines, and policies, and provide for the highest level of contractual protection.

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### What is Excluded?

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

- Architectural, Engineering, and Environmental Services (Government Code (GC) § 4525)
  - Financial Audits (Government Code (GC) § 8546.4(e))
  - Legal Services (Government Code (GC) § 11040)
  - Public Works (Public Contract Code (PCC) § 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, it is at the option of the CMAS contractor whether or not to allow local government agencies to use their CMAS.

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

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### 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

E-mail: [cmas@dgs.ca.gov](mailto:cmas@dgs.ca.gov)

[CMAS Website: www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules)

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 2 – USE OF CMAS

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### CMAS is Optional

The CMAS Program is a procurement option. It is not mandatory that Local Government Agencies use CMAS.

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### Search for a CMAS

Agencies can use the CMAS website to [search for CMAS contractors](#) by company name, or by CMAS product/service description. Go to [www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules), then select “Find a CMAS Contractor” under the Services For Government heading. Instructions for searching the CMAS website are available in Attachment A of this guide.

[Copies of a CMAS](#) can be obtained at [caleprocure.ca.gov](http://caleprocure.ca.gov).

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### Seeking Multiple Offers

When using CMAS as a procurement method, 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.

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### Request for Offer

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).

The agency must develop an 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 CMAS website: [www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules), then select “Statement of Work Information” under the Resources heading.

Sections 4 and 9 of this guide may apply to the development of an RFO.

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 CMAS contractor quote can be verbal.

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### Copy of a CMAS

Copies of a CMAS can be obtained at [caleprocure.ca.gov](http://caleprocure.ca.gov). A complete copy of a CMAS consists of the following:

- CMAS cover page (which includes the signature page, ordering instructions and special provisions, and any attachments or exhibits as prepared by the CMAS Unit)
  - CMAS Terms and Conditions
  - Federal GSA (or Non-GSA) terms and conditions
  - Product/service listing and prices
  - Supplements, if applicable
- 

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 2 – USE OF CMAS, Continued

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### **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 (PCC) § 12100.7(e) and Section 5 of this guide.

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### **Protests**

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

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### **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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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 3 – PURCHASE ORDER PROCEDURES

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### Purchase Order Limits

CMAS agreements have set maximum order limits for State agencies. Local government agencies are subject to their own procurement policies and procedures, and therefore set their own purchase order limits.

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### Purchase Order Form

Local government agencies may use their own purchase order forms (in lieu of the State's purchase order form), and shall issue it directly to the CMAS contractor via mail or fax. Local government agencies may also transact in FI\$Cal.

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### Purchase Order Amendments

When the agency determines that the purchase order is incorrect for any reason, they should first contact the CMAS 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 expires.

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

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

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### 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 CMAS contractor is not legally obligated to accept increased risk.

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### Delivery of Products and Services

The purchase order must be issued before the CMAS expires.

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

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### Substantiate CMAS is Valid

Prior to issuing an order, agencies should check the CMAS website ([www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedule](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedule), select "Find a CMAS Contractor") to substantiate the CMAS is still active.

A CMAS can also be searched for at [caleprocure.ca.gov](http://caleprocure.ca.gov).

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 3 – PURCHASE ORDER PROCEDURES, Continued

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### **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 must be for the same CMAS contractor.
  - The purchase order must go to one contractor location.
  - Write the word “CMAS” in the space usually reserved for the contract number. On the purchase order, this is at the top of the form. The word “CMAS” signifies that the purchase order contains items from multiple CMAS.
  - For each individual CMAS (as differentiated by alpha suffix), the agency must identify and group together the CMAS number with the line items and subtotal per CMAS number (do not include tax in the subtotal), and sequentially identify each individual CMAS as Sub #1, Sub #2, Sub #3, etc. This facilitates accurate billing of administrative fees by the Procurement Division.
  - The total of all items on the purchase order must not exceed the purchase order limit identified in the CMAS.
  - Do not combine items from both non-IT and Information Technology CMAS(s). A non-IT CMAS begins with the number “4” and an Information Technology CMAS begins with the number “3.” The purchase order limits are different for these two types of CMAS.
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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 4 – CONTRACT CONSIDERATIONS

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### CMAS Numbers

The numbers in a CMAS number are significant as follows:

- CMAS numbers beginning with a 3 are for information technology products and/or services.
  - CMAS numbers beginning with a 4 are for non-information technology products.
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### Why Does Agency Need a Copy of a CMAS?

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 CMAS
  - Determine which products and/or services are specifically excluded
  - Determine if prices quoted are at or below base 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
- 

### Small/Disabled Veteran Business Certification and Status Verification

The [CMAS Search](#) lists CMAS contractors who are Small Businesses 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 CMAS contractor is certified as a SB or DVBE when the CMAS is awarded. The CMAS indicates the certification number and the date the certification expires.

Before issuing the purchase order, the ordering agency must verify the CMAS contractor's SB/DVBE status by contacting OSDS at (916) 375-4940 or by searching for the CMAS contractor's SB/DVBE certification at [caleprocure.ca.gov](http://caleprocure.ca.gov).

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### 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.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 4 – CONTRACT CONSIDERATIONS, Continued

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### Public Works - Bond Requirements

Prior to the commencement of performance, the CMAS 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) in excess of \$5,000. Such bond shall be in a sum not less than one hundred percent (100%) of the purchase order price. Forms shall be provided to the CMAS contractor by the ordering agency. See the General Terms and Conditions, CMAS Public Works Requirements.

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### 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 (PCC) § 12112), to be manufactured or performed by the CMAS contractor especially for the State and not suitable for sale to others in the ordinary course of the CMAS 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 CMAS 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 Public Contract Code (PCC) § 12112 for agencies to use to determine the applicability to their projects.

b. Special Goods

Any contract for goods (Public Contract Code (PCC) § 10314) to be manufactured or performed by the CMAS contractor especially for the State and not suitable for sale to others in the ordinary course of the CMAS 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 CMAS contractor, provided that not less than 10 percent of the purchase order price is required to be withheld until final delivery and acceptance of the goods or services, and provided further, that the CMAS 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 CMAS contractor.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 4 – CONTRACT CONSIDERATIONS, Continued

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### Progress Payments, Continued

c. Non-Information Technology Services

Any contract for non-information technology services (Public Contract Code (PCC) § 10346) may provide for progress payments to CMAS 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 CMAS contractor's invoices.
  - Progress payments shall not be made in advance of services rendered.
- 

### Travel

If the CMAS 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 CMAS parameters, and incorporated into the agency purchase order.

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

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### 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.

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 CMAS contractor will be required to itemize the consumables being taxed for accounting purposes.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 5 – BEST VALUE DETERMINATION

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### CMAS Assessment of Offers

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

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### 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 (PCC) § 12100.7(e)

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 CMAS from [caleprocure.ca.gov](http://caleprocure.ca.gov)
  - Review the CMAS in context with agency requirements and CMAS contractor offer
  - Compare offers from all CMAS contractors who responded to the RFO
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### Review Resumes

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

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### Document Files

Follow local agency requirements for documentation of complete procurement file.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 6 – PAYMENTS AND INVOICES

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### Fees to Use CMAS

Local government agencies do not pay DGS an administrative fee to place an order against a CMAS. In lieu of this fee paid by the using local government agency, the selling CMAS contractor pays DGS a 1.25% incentive fee. The 1.25% incentive fee is waived for CMAS contractors who are California certified small businesses.

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### CAL-Card (Credit Card)

CAL-Card is a payment mechanism some State and local government agencies use for the purchase of goods and services. The CMAS will stipulate whether or not the CMAS contractor accepts payment through CAL-Card.

A purchase order document is required even when the ordering department chooses to pay the CMAS contractor via the CAL-Card. When applicable, the purchase order should indicate if payment was made via CAL-Card. The CMAS contractor pays DGS the 1.25% incentive fee for all CMAS orders from local government agencies, even if payment is made via CAL-Card.

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### Advance Payments

It is NOT acceptable to pay for services in advance, except software maintenance and license fees, which are considered a subscription, these services 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.

Advance payment for services is allowed by Government Code (GC) § 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.

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### Contractor Name/ Ownership Change

The company name on the CMAS, 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. CMAS contractors must contact the CMAS Unit to initiate a legal name change for their CMAS.

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### Required Payment Date

Payment will be made in accordance with the provisions of the California Prompt Payment Act, Government Code (GC) § 927 et. seq. Unless expressly exempted by statute, the Prompt Payment 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.

**Disputed invoices should be rejected and returned immediately to the CMAS contractor for correction.**

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 7 – USEFUL WEBSITES

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### [Department of Tax and Fee Administration](#)

- [www.cdtfa.ca.gov](http://www.cdtfa.ca.gov)

### [California Codes and Laws](#)

- [leginfo.legislature.ca.gov/](http://leginfo.legislature.ca.gov/)

### [CMAS](#)

- [www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules)

### [Small Business Partners](#)

- [caleprocure.ca.gov](http://caleprocure.ca.gov)

### [Contractor License Status](#)

- [www.cslb.ca.gov](http://www.cslb.ca.gov)

### [Department of Finance](#)

- [www.dof.ca.gov/](http://www.dof.ca.gov/)

### [Federal General Services Administration \(GSA\) General Information](#)

- [www.gsa.gov](http://www.gsa.gov)

### [GSA Search](#)

- [www.gsaelibrary.gsa.gov](http://www.gsaelibrary.gsa.gov)

### [Governor's Executive Orders](#)

- [www.gov.ca.gov/category/executive-orders](http://www.gov.ca.gov/category/executive-orders)

### [Office of Small Business and DVBE Services](#)

- [www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Office-of-Small-Business-and-Disabled-Veteran-Business-Enterprise/Certification-Program)

### [State Admin. Manual \(SAM\)](#)

- [www.dgs.ca.gov/Resources/SAM](http://www.dgs.ca.gov/Resources/SAM)

### [State Contracting Manuals \(SCM\)](#)

- [www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/State-Contracting-Manual-Volume-2-3-FI\\$Cal](http://www.dgs.ca.gov/PD/Resources/Page-Content/Procurement-Division-Resources-List-Folder/State-Contracting-Manual-Volume-2-3-FI$Cal)
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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 8 – RENTAL, FINANCE AND LEASE POLICIES

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### 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/About](http://www.dgs.ca.gov/PD/About) (select the Acquisitions tab, then State Financial Marketplace).

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### 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.

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### 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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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 9 – SERVICES

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### 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.

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### Public Works Services

Public works is defined as “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 (PCC)§ 1101. Installation of physical layer cable is considered public works. 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.

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### Service and Delivery after CMAS Expires

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

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### 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 CMAS contractor intends to use to fulfill the transaction.

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

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### Progress Payments

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

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 9 – SERVICES, Continued

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### **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 (Public Contract Code (PCC) § 10365.5).

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

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### **Network Design Services**

All network design services must result in a hardware or software solution. Also, all network design services performed by the CMAS contractor that include infrastructure components must be performed by a performed by a Building Industry Consulting Service International (BICSI) certified Registered Communications Distribution Designer (RCDD) employed either by the CMAS contractor or subcontractor. Evidence of RCDD certification may be required by the ordering agency.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 10 – NOT SPECIFICALLY PRICED (NSP)

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### 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, 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.

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### 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 are subject to all the terms and conditions set forth in the CMAS.
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### Items Specifically Excluded

The following NSP items are specifically excluded from any purchase order issued under a CMAS:

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.
  4. Any other items or class of items that are specifically excluded from the scope of the CMAS.
  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 CMAS 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.
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### NSP Dollar Limits

**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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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 10 – NOT SPECIFICALLY PRICED (NSP), Continued

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### **NSP Not Available**

Not all CMAS include the NSP provision. The NSP provision is included at the option of the CMAS contractor and the CMAS Unit.

The NSP provision will not be included in a CMAS for consulting or personal services, software, or office supplies.

Agency purchase orders for only NSP items are prohibited.

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### **Manufacturer Authorization Required**

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

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### **Clearly Identify NSP**

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

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 11 – PUBLIC WORKS PROJECTS

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### Definition of a Public Works Project

Public works is defined as “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 (PCC)§ 1101.

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### Installation of Physical Layer Cable

Installation of physical layer cable 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.

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### 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.

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### Agency Responsibility

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

The ordering 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](http://www.dir.ca.gov).

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### Verify Status of Contractor’s License

The CMAS Unit substantiates that the CMAS contractor holds the appropriate license when the CMAS 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 Contractors License Board](#) at (800) 321-2752 or checking their website at [www.cslb.ca.gov](http://www.cslb.ca.gov).

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### 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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### 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.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## SECTION 12 – SUPPLIER COMPLIANCE

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### 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 a CMAS.

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### What is Reviewed?

CMAS contractor must have evidence of the following available for review:

- Did the CMAS contractor have an active CMAS?
  - Did the ordering agency obtain a copy of the CMAS and the 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?
  - Does the purchase order reflect the correct CMAS number?
- 

### Contractor Compliance Reviews

DGS conducts contractor 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?

Price Bundling: Is each line item priced individually in the base schedule?

Have all CMAS contractor Quarterly Reports been submitted to the CMAS Unit?

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## ATTACHMENT A – CMAS WEBSITE SEARCH INSTRUCTIONS

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### Website

Go to [www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules](http://www.dgs.ca.gov/PD/About/Page-Content/PD-Branch-Intro-Accordion-List/Acquisitions/California-Multiple-Award-Schedules) and select “Find a CMAS Contractor,” then search by Product/Service Description or Contractor Name.

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### Limited Descriptors

The CMAS database limits descriptors to a maximum of 12 CMAS Product and Service codes per CMAS. More products and services may be available on the CMAS.

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### Basic Search

Search by Product/Service Description

Search by Contractor Name

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### 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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### Cal eProcure

A CMAS can be searched for on the Cal eProcure website. Go to [caleprocure.ca.gov](http://caleprocure.ca.gov) and select “Quicklinks.” Then select “View/Search Contracts.” If searching by CMAS number, the “Contract ID” field must be utilized. If searching by CMAS contractor name, the “Vendor” field must be utilized.

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# CMAS LOCAL GOVERNMENT AGENCY GUIDE

## ATTACHMENT B – AMERICANS WITH DISABILITIES ACT (ADA) NOTICE

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### 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.

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### 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 accommodations for the procurement process, please call the following numbers:

1. Procurement Division TTY telephone numbers

Sacramento Office:	916-376-5127 (CALNET 480-5127)
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2. California Relay Service at

Voice:	1-800-735-2922, or 7-1-1
Speech to Speech Service:	1-800-854-7784

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

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### 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.

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