



THE CALIFORNIA STATE UNIVERSITY  
CONTRACT SERVICES AND PROCUREMENT

# BULLETIN

02-19 Rev. 4

10/24/03

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**SUBJECT:** Competitive Bidding of Goods and Services

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Bulletin 02-19 Revision 4 Summary

*Update web link to contracts exempted by DGS.*

Background

This Bulletin is issued to provide interim guidelines for the acquisition of goods and services obtained through the use of California Multiple Award Schedule (CMAS), State Master Agreements, and non-competitively bid acquisition methods in compliance with the policy expressed in the Governor's Executive Order D-55-02.

Until rescinded, all contracts and procurements shall comply with the interim policies contained in this bulletin. In the event of a conflict between policies contained in the California State University Policy Manual for Contracting and Procurement and this bulletin, this bulletin shall control.

**I. CMAS and State Master Agreements**

Acquisitions based on CMAS and State Master Agreements, shall comply with the following:

IT Goods and Services

Except as otherwise provided, all IT Goods and Services acquisitions, based on CMAS and State Master Agreements, shall be competitively bid resulting in offers from three vendors including one small business, if available. If less than three offers are received, documentation of solicitation methods must be included with the contract documentation.

In addition, acquisitions over \$500,000 must include documentation of solicitation methods and efforts to obtain competitive bids and must be approved by a campus authority no lower than Vice President for Administration/Finance.

Non-IT Services

Except as otherwise provided, all non-IT Services acquisitions, based on CMAS and State

Master Agreements, shall be competitively bid resulting in offers from three vendors including one small business, if available, and shall not exceed \$250,000. If less than three offers are received, documentation of solicitation methods must be included with the contract documentation.

### Non-IT Goods

Except as otherwise provided, all acquisition of non-IT Goods, based on CMAS and State Master Agreements, shall be competitively bid resulting in offers from three vendors including one small business, if available, and shall not exceed \$100,000. If less than three offers are received, documentation of solicitation methods must be included with the contract documentation.

### Exceptions

Exceptions to the requirements listed above may only occur in the following instances:

- a. Contracts exempt by DGS and listed on the following web pages:  
~~<http://www.documents.dgs.ca.gov/pd/root/exemptcon19.pdf>~~  
<http://www.documents.dgs.ca.gov/pd/masters/checklist.pdf> - *This is a link to the Statewide Checklist document. Of the contracts listed therein only those with a "yes" in the Exempt column do not require offers from 3 vendors.*  
  
<http://www.pd.dgs.ca.gov/mm0219p7.htm> - *The State Master Agreements list at this web page do not require offers from 3 vendors.*
- b. Contracts for essential services - Includes services determined to be critically necessary for the operation of the department or the delivery of services required to be provided by the department.
- c. Contracts required for health and safety - Goods or services determined as necessary to preserve, protect or promote public health, including persons under the care or custody of the state; or necessary to preserve, protect or promote public safety.
- d. Contracts in response to an emergency (Public Contract Code 1102) - A sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, property or essential public service.

**(Note: In the event of an emergency, procurement procedures permit the immediate acquisition of necessary goods and services as needed, with necessary approvals and documentation to follow.)**

- f. Avoidance of financial loss to the state - Goods and services necessary, as determined, to prevent the waste of state funds or resources, including, but not limited to:

- Failure to obtain will result in the loss of federal or other funding.
- Failure to obtain will result in damage to or deterioration of state resources.
- Failure to obtain will result in the interruption of essential state operations or programs.
- Failure to obtain could expose the state to liability based on the risk of damage to the property of others.
- Failure to obtain could expose the state to risk based on harm to the public.
- Failure to obtain could result in the imposition of additional payments, penalties or fines.

g. A sole source authorization has been obtained.

## II. Acquisitions not based on CMAS and State Master Agreements

### Procurement Process

*Use the procurement process appropriate to the procurement objective. If the procurement objectives change during the process, the procurement process should be restarted using the appropriate process or formally modify the procurement process through appropriate written notification to potential vendors.*

### Conflict of Interest and Confidentiality

*Prior to participating in the procurement process, all CSU employees must complete a Conflict of Interest and Confidentiality Statement. The completed statements should be retained as part of the contract file.*

A model Conflict of Interest and Confidentiality Statement form is available at CSU website:

<http://www.calstate.edu/CSP/crl/crl.shtml#forms>

Include a clause in all contracts for consultants that requires the filing of a Statement of Economic Interest, Form 700, where such consultants will serve in a staff capacity and that will be involved or will participate in the making of decisions which may foreseeably have a material effect on any CSU financial interest. Implementation of this requirement should be coordinated with the campus Statement of Economic Interest filing officer and, if necessary, legal counsel.

A model Statement of Economic clause is included in General Provisions for Commodity and Service Acquisitions, CRL:020, available at CSU Website:

<http://www.calstate.edu/CSP/crl/crl.shtml#forms>

### CSU Master Enabling Agreements (MEA)

Goods and services acquisitions based on MEAs, including IT Goods and Services, shall be competitively bid resulting in offers from three vendors if the MEAs were the result of a solicitation where multiple MEAs were awarded. If less than three offers are received, documentation of solicitation methods must be included with the contract documentation. In addition, acquisitions over \$500,000 must include documentation of solicitation methods and efforts to obtain competitive bids and must be approved by a campus authority no lower than Vice President for Administration/Finance.

#### Other CSU Acquisitions

All other acquisitions, except those based on CMAS, State Master Agreements, and MEAs, as defined above, shall be in accordance with the California State University Policy Manual for Contracting and Procurement except as provided as follows:

- a. Sole source requests for acquisitions greater than \$100,000 must be forwarded to the Office of the Chancellor, Contract Services & Procurement, for review and approval by the Executive Vice Chancellor or designee.
- b. Sole source requests for acquisitions \$100,000 or less must be approved by a campus authority no lower than Vice President for Administration/Finance.

Policy Section 206.03, Exceptions to Competitive Bidding, remain in effect. Transactions provided for under Policy Section 206.03 do not require sole source approval.

This Bulletin and all Contract Services & Procurement Bulletins can be found at:  
[http://www.calstate.edu/Csp/csu\\_bulletin.shtml](http://www.calstate.edu/Csp/csu_bulletin.shtml)

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