

STATE TELECOMMUNICATIONS MANAGEMENT MANUAL

State of California Department of Technology		Statewide Telecommunications and Network Division
Category: Acquiring Telecommunications Services	Chapter Title: CALNET Exemption Requests and Non- CALNET Procurements	Chapter Number: 0501.0

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PURPOSE

To provide information and prerequisites non-exempt state agencies must meet when requesting an exemption from mandatory services included in the CALNET MSA's. It also outlines conditions that must be met for other non-CALNET telecommunications procurements. For information regarding project delegation (which may be required even if an exemption is granted), see STMM Chapter [502.0](#).

POLICY

The following defines the general policy and provides clarifying information for using the CALNET MSA's:

- Non-exempt state agencies are those under jurisdiction of the California State Government Executive Branch. These agencies are required to utilize the CALNET MSA's to obtain mandatory telecommunications and network services. See STMM Chapter [400.1](#) for information regarding mandatory and non-mandatory services.
- Exempt state agencies, departments (colleges, community colleges, and universities, agencies headed by constitutional officers or agencies, such as the State Compensation Insurance Fund and the Lottery) are among those not required to use the CALNET MSA's to purchase mandatory services.
- Eligible local government agencies that have signed an Authorization To Order (ATO) agreement to use the CALNET MSA's for specific services are required to procure those services from the CALNET MSA's for the two-year ATO agreement term. Local government eligibility is pre-determined in most cases. See the Non-State Agency Agreement and Policy to obtain eligibility information at <http://www.otech.ca.gov/stnd/pdf/stmm/nsaagree.pdf>.

Exemption Requests

Non-exempt state agencies with a compelling business reason to use alternative providers to purchase mandatory CALNET MSA services must submit a written exemption request to the STND for evaluation and approval, prior to purchasing services elsewhere. All written requests must be submitted by the department's Agency Information Officer (AIO), or equivalent.

Exemption from using CALNET MSA services requires the approval of the Director, Department of Technology and Statewide Telecommunications and Network Division.

Exemption requests must:

- Apply to a specific telecommunications project or acquisition;
- Provide pertinent and specific information on the proposed services and why they are needed;
- Explain the ramifications if the need is not met; and,
- Explain why services from the CALNET MSA's would not meet the specified need.

An exemption may be granted if the agency successfully demonstrates that:

- All CALNET MSA services, are unable to meet the agency's business needs due to lack of features, functionality, or availability; or
- As a result of the Individual Price Reduction (IPR) process conducted when the costs of an alternative product or service provider are substantially below (about 20%) the costs of similar products or services available under the CALNET MSA's including comparable Service Level Agreements (SLA's), network support, diversity, survivability, recoverability, scalability and other related factors; and, a separately bid contract with alternative product or service providers will not unduly interfere with the state's goal of maintaining a statewide consolidated wide area network.

Non-CALNET MSA Procurements

All procurements by state agencies must be consistent with state procurement policies, guidelines and delegations.

- There may be situations in which CALNET MSA's will not meet agency telecommunications business requirements. In those cases, alternative telecommunications or network service may be obtained through procurement

- vehicles such as CMAS and CSSI contracts and other separately bid contracts, MSA's or procurements.
- Outside contracts held by non-exempt state agencies for telecommunications services now available from the CALNET MSA's, should be terminated as soon as contractually feasible, and those services should be migrated to the CALNET MSA's as appropriate. Extension or renewal of these contracts is on an exception basis only, and must have an exemption prior to taking action to extend or re-bid the contract.
 - Be aware that using CMAS or other contracts for telecommunications service may not provide comparable protections available through the CALNET MSA's, such as Service Level Agreements (SLA's); rights and remedies for vendor defaults; or comprehensive system installation.
 - Telecommunications or network service other than CALNET MSA services may be obtained through other procurement vehicles and other separately bid contracts/MSA's under one or more of the following conditions:
 - Exempt state agencies for all telecommunications products and services;
 - Eligible local agencies for products and services that are not specifically included on their Authorization to Order (ATO) and for products and services listed on their ATO once the 2 year term has expired and with a 30 day calendar notice;
 - Non-exempt state agencies for non-mandatory products and services;
 - Non-exempt state agency with an approved exemption request by STND to purchase specific mandatory services outside of CALNET MSA's;
 - Non-exempt state agency with a Feasibility Study Report (FSR) submitted that proposes use of telecommunications and/or network services outside CALNET MSA's; was reviewed by STND; and that portion was approved through the exemption process in coordination with the Department of Finance (DOF);

RESPONSIBILITIES

Agency

- Will identify the need for an exemption and explain the request in writing.
- The exemption request must contain all information outlined in the policy above, and in the procedures below.

- The exemption request must be submitted by the department's AIO.
- Submit the exemption request and a copy of the proposed FSR (if any) to STND prior to, or at the same time as, submitting it to the DOF.
- Will agree to maintain a central file of granted exemptions and their related acquisition documents. This file must be made available to STND upon request for audit purposes.
- Will comply with the exemption response from STND and all related policies, standards, and guidelines.

Department of Technology / Statewide Telecommunications Network Division

- Will review and research exemption requests, coordinate with the appropriate parties, provide recommendations to the STND Director.
- Will coordinate with the agency to develop and/or assist with alternate solutions.
- Will serve as a resource regarding telecommunications policy information and guidance for CALNET MSA's and non-CALNET MSA procurements.

PROCEDURES

To obtain mandatory telecommunications services from a source other than the CALNET MSA's, a non-exempt state agency's Chief Information Officer, or equivalent, must submit a written exemption request (in hard and soft copies) to the Department of Technology, Statewide Telecommunications and Network Division, Attn: Deputy Director and include the following information:

- Identify the specific services needed, including the quantity, type, and location, including street address, of services;
- The specific technical or financial reason why the agency is requesting an exemption from the CALNET MSA's (as outlined in the policy for Exemption Requests above);
- The length and terms of the contract commitment, and any requirements or commitments to early termination or optional contract extension;
- The cost of the proposed services in total and by specific contract item;
- Name of the service provider and any vendor provided documentation, if available;
- Specific service level agreements and associated rights and remedies;

- Any CALNET MSA Individual Price Reduction (IPR) documentation, if available;

E-mail and fax or mail the exemption request and supporting documentation to:

Email: STNDexemptions@dts.ca.gov

(Please send the request and supporting documentation as separate attachments)

Fax: (916) 463-9920

Attn: Deputy Director

Statewide Telecommunications and Network Division

Mail: Department of Technology

Attn: Deputy Director

Statewide Telecommunications and Network Division

P.O. Box 1810, MS# STND Y-13

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AUTHORITY AND REFERENCES

Government Code Sections [11534-11543](#)