

# STATE TELECOMMUNICATIONS MANAGEMENT MANUAL

State of California Office of Technology Services		Statewide Telecommunications and Network Division
Category: <b>Acquiring Telecommunications Services</b>	Chapter Title: <b>CALNET 3 Exemption Requests and Non-CALNET Procurements</b>	Chapter Number: <b>3-501.0</b>

## PURPOSE

To provide information and prerequisites that non-exempt state agencies must meet when requesting an exemption from “Required” services included in the CALNET 3 Contracts. It also outlines conditions that must be met for other non-CALNET telecommunications procurements. For information regarding General Delegations (which may be required even if an exemption is granted), see STMM Chapter 3-502.0.

## POLICY

The following defines the general policy and provides clarifying information for using the CALNET 3 Contracts:

- Non-exempt state agencies are those under jurisdiction of the California State Government Executive Branch. These agencies are mandated to utilize the CALNET 3 Contracts to obtain “Required” telecommunications and network services. See STMM Chapter 3-400.0 for information regarding “Required” and “Discretionary” services.
- Exempt state agencies, colleges, community colleges, universities and agencies headed by constitutional officers are not mandated to use the CALNET 3 Contracts to purchase “Required” services.
- Eligible local government agencies that have signed an Authorization To Order (ATO) agreement may use the CALNET 3 Contracts. 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 “Required” CALNET 3 Contract services must submit a letter requesting Exemption to the Statewide Telecommunications and Network Division (STND) Deputy Director for evaluation and approval prior to purchasing services elsewhere. All written requests must be signed and submitted by the department’s Agency Information Officer (AIO), or equivalent.

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.
- Explain why services from the CALNET 3 Contracts would not meet the specified need.

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

- There are no CALNET 3 Contract services that are able 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, the costs of an alternative product or service provider are substantially below (approximately 35%) the costs of similar products or services available under the CALNET 3 Contracts. This includes:
  - Comparable Service Level Agreements (SLA’s)
  - Network support, diversity, survivability, recoverability, scalability
  - Other related factors, such as state personnel years (PY’s)

And that 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 3 Contracts Procurements

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

- There may be situations in which CALNET 3 Contracts will not meet agency telecommunications business requirements. In those cases, alternative telecommunications or network services may be obtained through procurement vehicles such as, CMAS and other separately bid contracts or procurements once an exemption is approved.
- Outside contracts held by non-exempt state agencies for telecommunications services now available from the CALNET 3 Contracts should be terminated as soon as contractually feasible and those services should be migrated to the CALNET 3 Contracts 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 3 Contracts such as, Service Level Agreements (SLA's) rights and remedies for vendor defaults, or comprehensive system installation.
- Telecommunications or network service other than CALNET 3 Contract services may be obtained through other procurement vehicles and other separately bid contracts under one or more of the following conditions:
  - Exempt state agencies for all telecommunications products and services.
  - Non-exempt state agencies for "Discretionary" products and services.
  - Non-exempt state agency with an approved exemption request by STND to purchase specific services outside of CALNET 3 Contracts.
  - Non-exempt state agency with a Feasibility Study Report (FSR) submitted that proposes use of telecommunications and/or network services outside CALNET 3 Contracts; was reviewed by STND; and that portion was approved through the exemption process.

## **RESPONSIBILITIES**

### Agency:

- Will identify the need for an exemption and explain the request in writing.
- Must submit an exemption request that contains all information outlined in the policy above and in the procedures below.
- Must submit an exemption request in letter form and signed by the department's AIO or equivalent.
- Shall 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 agency authorized to approve FSR's.
- Must 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.

### Office of Technology Services/ Statewide Telecommunications Network Division:

- Will review and research exemption requests, coordinate with the appropriate parties, provide recommendations to the Office of Technology Services / STND Deputy 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 3 Contracts and non-CALNET procurements.

## **PROCEDURES**

To obtain mandatory telecommunications services from a source other than the CALNET 3 Contracts, a non-exempt state department's AIO, or equivalent, must submit a written exemption request (in hard and soft copies) to the Office of Technology Services, STND, 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 3 Contracts (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 additional costs that the state will incur to support these services including personnel years (PY's) and maintenance agreements.
- Any CALNET 3 Contract Individual Price Reduction (IPR) documentation, if available.

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

**Email:** [STNDexemptions@state.ca.gov](mailto:STNDexemptions@state.ca.gov)

(Please email the request and supporting documentation as separate attachments).

**Fax:** (916) 463-9920

Attn: Deputy Director

Statewide Telecommunications and Network Division

**Mail:** Office of Technology Services

Attn: Deputy Director

Statewide Telecommunications and Network Division

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

Cordova, CA 95741-1810

## **AUTHORITY AND REFERENCES**

Government Code Sections [11534-11543](#)