

State of New York Executive Department
Office of General Services
New York State Procurement (NYS Pro)
Corning Tower Building
Empire State Plaza
Albany, New York 12242
<http://nyspro.ogs.ny.gov>

CONTRACT AWARD NOTIFICATION

Title	:	Group 79518 - Miscellaneous Software (Statewide)	
		Classification Code(s): 43	
Award Number	:	<u>21961</u>	(Replaces Award PGB 18503 and 18793)
Contract Period	:	July 15, 2010 – July 14, 2015	
Bid Opening Date	:	February 18, 2010	
Date of Issue	:	July 16, 2010 (Revised September 18, 2014)	
Specification Reference	:	As Incorporated In The Contract	
Contractor Information	:	Appears on Page 2 of this Award	

Address Inquiries To:

State Agencies & Vendors	Political Subdivisions & Others
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**The New York State Procurement values your input.
 Complete and return "Contract Performance Report" at end of document.**

Description

The Miscellaneous Software Catalog contracts were established through a multi-state Request for Proposal (RFP) process that included New York, Massachusetts, New Jersey, Maine, Rhode Island and Vermont. For New York State, contracts were established with the top three scoring vendors in the RFP process. The contractors are: Dell Marketing LP; EnPointe Technologies Sales, Inc., and SHI International Corp.

PR # 21961

Description

(continued)

Product offerings authorized under this contract are limited to the following:

- Software licenses;
- Maintenance listed in manufacturer's commercial price list;
- Pre-sales assistance at no charge;
- Installation listed in manufacturer's commercial price list (subject to the 20% rule*);
- Implementation listed in manufacturer's commercial price list (subject to the 20% rule*);
- Configuration listed in manufacturer's commercial price list (subject to the 20% rule*);
- Pre-Packaged Training listed in manufacturer's commercial price list (subject to the 20% rule*);
- Volume License Agreement management***.

Product offerings **not** available under this contract include but are not limited to:

- Appliances**;
- Hardware;
- Consulting Services;
- Customization Services;
- Installation **not** listed in manufacturer's commercial price list;
- Implementation **not** listed in manufacturer's commercial price list;
- Configuration **not** listed in manufacturer's commercial price list;
- Pre-Packaged Training **not** listed in manufacturer's commercial price list;
- Customized Training;
- Professional Services (other than those listed in the Product offerings authorized under this contract);
- Software as a Service (SAAS) or any similar service offering; and
- All product offerings from software publishers listed on the Prohibited Software Publisher List.

NOTE: See individual contract items to determine actual awardees.

<u>CONTRACT #</u>	<u>CONTRACTOR & ADDRESS</u>	<u>FED.IDENT.#</u>
PT65191	Dell Marketing, LP One Dell Way Round Rock, TX 78682	74-2616805
PT65192	EnPointe Technologies Sales Inc. 18701 S. Figueroa St. Gardena, CA 90248-4506	95-4650291
PT65193	SHI International Corp 33 Knightsbridge Rd. Piscataway, NJ 08854	22-3009648

Cash Discount, If Shown, Should be Given Special Attention.

INVOICES MUST BE SENT DIRECTLY TO THE ORDERING AGENCY FOR PAYMENT.

(See "Contract Payments" and "Electronic Payments" in this document.)

AGENCIES SHOULD NOTIFY THE NEW YORK STATE PROCUREMENT PROMPTLY IF THE CONTRACTOR FAILS TO MEET DELIVERY OR OTHER TERMS OF THIS CONTRACT. PRODUCTS OR SERVICES WHICH DO NOT COMPLY WITH THE SPECIFICATIONS OR ARE OTHERWISE UNSATISFACTORY TO THE AGENCY SHOULD ALSO BE REPORTED TO THE NEW YORK STATE PROCUREMENT.

SMALL, MINORITY AND WOMEN-OWNED BUSINESSES:

The letters SB listed under the Contract Number indicate the contractor is a NYS small business. Additionally, the letters MBE and WBE indicate the contractor is a Minority-owned Business Enterprise and/or Woman-owned Business Enterprise.

NOTE TO ALL CONTRACT USERS:

The terms and conditions of the bid solicitation which apply to the award appear at the end of this document. In addition, there are two other documents that will be made part of this Award: *How To Use Miscellaneous Software Catalog Contracts* and *Frequently Asked Questions (FAQs)*. We strongly advise all contract users to familiarize themselves with all terms and conditions and these two documents before issuing a purchase order.

PRICE:

DELL MARKETING LP

NYS Pricing for Dell Marketing LP is not to exceed cost plus 2%.

Additional Named Software Pricing:

Adobe Systems is not to exceed cost plus .50%;
Attachmate is not to exceed cost plus .50%;
Business Objects is not to exceed cost plus .50%;
EMC is not to exceed cost plus 1.50%;
Quest is not to exceed cost plus .50%;
SAS is not to exceed cost plus 1.00%;
VMWare is not to exceed cost plus 1.50%;
Websense is not to exceed cost plus 1.50%.
There is no fee for Volume License Agreement Management

EN POINTE TECHNOLOGIES SALES, INC.

NYS Pricing for En Pointe Technologies Sales, Inc. is not to exceed cost plus 0%.

Additional Named Software Pricing:

Adobe Systems is not to exceed cost plus 0%;
Attachmate is not to exceed cost plus 0%;
Business Objects is not to exceed cost plus 0%;
EMC is not to exceed cost plus 0%;
Quest is not to exceed cost plus 0%;
SAS is not to exceed cost plus 0%;
VMWare is not to exceed cost minus 2.0%;
Websense is not to exceed cost plus 0%.
There is no fee for Volume License Agreement Management

PRICE (continued):

SHINTERNATIONAL CORP.

NYS Pricing for SHI International, Corp. is not to exceed cost plus 1.75%.

Additional Named Software Pricing:

Adobe Systems is not to exceed cost plus .25%;

Attachmate is not to exceed cost plus 0%;

Business Objects is not to exceed cost plus .25%;

EMC is not to exceed cost plus 0%;

Quest is not to exceed cost plus .25%;

SAS is not to exceed cost plus 0%;

VMWare is not to exceed cost plus .50%;

Websense is not to exceed cost plus .25%.

There is no fee for Volume License Agreement Management

The Contractors will host their NYS Price List for this contract on their respective web sites. The Contractor websites will be linked to and from the New York State OGS website. A generic log in will be provided by the Contractors so Authorized Users may view the pricing and/or view instructions on establishing an Authorized User specific log in. Authorized Users may then search by product name, publisher, or product category. There may be additional services at no charge available from the Contractors (see Frequently Asked Questions).

A lower cost plus percentage does not necessarily relate to a lower NYS net price. Authorized Users are strongly urged to review the "How to Use" document associated with this contract and apply those recommendations and requirements to obtain the lowest pricing available for NYS Authorized Users.

Scope of Products:

Product offerings under this contract include the following:

- o Software licenses;
- o Maintenance listed in manufacturer's commercial price list;
- o Pre-sales assistance at no charge;
- o Installation listed in manufacturer's commercial price list (subject to the 20% rule*);
- o Implementation listed in manufacturer's commercial price list (subject to the 20% rule*);
- o Configuration listed in manufacturer's commercial price list (subject to the 20% rule*);
- o Pre-Packaged Training (subject to the 20% rule*);
- o Volume License Agreement management***.

Product offerings **NOT** available under this contract include but are not limited to:

- o Appliances**;
- o Hardware;
- o Consulting Services;
- o Customization Services;
- o Installation **not** listed in manufacturer's commercial price list;
- o Implementation **not** listed in manufacturer's commercial price list;
- o Configuration **not** listed in manufacturer's commercial price list;
- o Pre-Packaged Training **not** listed in manufacturer's commercial price list;
- o Customized Training;
- o Professional Services (other than those listed in the Product offerings allowed under this contract);
- o Software as a Service (SAAS) or any similar service offering; and
- o All Product offerings from software publishers listed on the Prohibited Software Publisher List.

Scope of Products (continued):

***20% Rule**

Authorized Users may acquire limited services as noted above, under this Contract. These limited services in combination, may not exceed twenty (20%) percent of the total order price for software licenses and maintenance for that manufacturer. "Total order price" shall be defined as the aggregate purchase order amount for software licenses and maintenance placed by the Authorized User for the software publisher under this Contract in a twelve month period. Installation and training which exceed twenty (20%) as well as other services may be procured competitively using the OGS IT Services mini-bid process or another procurement process selected by the Authorized User.

****Appliances**

Hardware that includes software bundled in the product and the applications are pre-installed. The appliance is then plugged into an existing network. Appliances may include the following application types: Firewall, email, FTP (File Transfer Protocol), and VPN (Virtual Private Network); this is not an all-inclusive listing.

*****Volume License Agreement Management**

A volume license agreement can occur when there is a large quantity of software purchased from a particular software manufacturer, for a specified time period, which results in additional discounting beyond the contract discounts. The Volume License Agreement Management is arranged in advance with the Contractor, whereby the Contractor will provide information to the Authorized User regarding the term of the Volume License Agreement and Pricing under that agreement.

Prohibited Software Publisher List:

The Prohibited Software Publisher List is a listing of the software publishers that **are not** available to be purchased from the Miscellaneous Software Catalog contracts (Dell, EnPointe, and SHI). These software publishers have Statewide Centralized Contracts or otherwise are not available under the Miscellaneous Software Catalog contracts. <http://www.ogs.ny.gov/purchase/snt/awardnotes/79518Prohibited.pdf>



Please take a moment to let us know how this contract award has measured up to your expectations. If reporting on more than one contractor or product, please make copies as needed. This office will use the information to improve our contract award, where appropriate. **Comments should include those of the product's end user.**

Contract No.: _____ **Contractor:** _____

Describe Product* Provided (Include Item No., if available): _____

***Note:** "Product" is defined as a deliverable under any Bid or Contract, which may include commodities (including printing), services and/or technology. The term "Product" includes Licensed Software.

	Excellent	Good	Acceptable	Unacceptable
• Product meets your needs				
• Product meets contract specifications				
• Pricing				

CONTRACTOR

	Excellent	Good	Acceptable	Unacceptable
• Timeliness of delivery				
• Completeness of order (fill rate)				
• Responsiveness to inquiries				
• Employee courtesy				
• Problem resolution				

Comments: _____

(over)

Agency: _____ Prepared by: _____

Address: _____ Title: _____

_____ Date: _____

_____ Phone: _____

_____ E-mail: _____

Please detach or photocopy this form & return by FAX to 518/474-2437 or mail to:

OGS NEW YORK STATE PROCUREMENT
 Customer Services, 38th Floor
 Corning 2nd Tower - Empire State Plaza
 Albany, New York 12242
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