

## **How to Use the Miscellaneous Software Catalogue Contracts**

The Miscellaneous Software Catalogue contracts were established through a multi-state Request for Proposal (RFP) process that included Massachusetts, New Jersey, Maine, Rhode Island, and Vermont. In New York State, contracts were established with the top three scoring vendors in the RFP process.

The contractors are:

- Dell Marketing LP (Dell) - contract #PT65191;
- EnPointe Technologies Sales, Inc. (EnPointe) - contract #PT65192; and
- SHI International Corp. (SHI) - contract #PT65193.

*Additionally, while the Microsoft reseller for New York State was a part of the RFP, it is set forth as a separate and distinct contract. The Microsoft contract was only awarded to Dell. For additional information on acquiring Microsoft product, please refer to contract #PT65196.*

### **Product Available Under Miscellaneous Software Catalogue Contracts:**

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:

- Hardware;
- Appliances;
- 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. (In rare circumstances, OGS Management may approve inclusion of Prohibited products in the best interest of the state provided they are requested in writing, and it is understood that a subsequent best and final quotation will be conducted by OGS to all of the catalogue contractors on behalf of the user agency.)

**\*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.

**\*\*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.

“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.

**Usage of the Miscellaneous Software Catalogue Contracts:**

An Authorized User of the Miscellaneous Software Catalogue Contracts is **strongly encouraged** to obtain quotes from all contractors to ensure the best possible pricing prior to issuing a purchase order. Depending on the software, one contractor may be able to provide more favorable pricing based on arrangements between the contractor and the software publisher. Additionally, the contract pricing is “Not to Exceed” and the volume or timing of the purchase may entitle an Authorized User to additional discounts. An Authorized User may obtain a price quote through the contractor’s website or by directly contacting the Contractor.

**Obtaining Pricing:**

*The chart below provides required actions and recommended actions for Authorized Users when purchasing under the Miscellaneous Software Catalogue Contracts. The purchase price thresholds below include total NYS net purchase price for the acquisition.*

NYS Net Purchase Price	Required Action*	Recommended Action
Less than \$10,000	No required action	Obtain quotes from all 3 contracts, either web or through contact person.
\$10,000 - \$49,999	Obtain website quotes from all 3 contracts.	Obtain quotes from all 3 contracts through contact person.
\$50,000 and greater	Obtain quotes from all 3 contracts through contact person.	No recommended action

***\*If a contractor is unable to provide a quote (e.g. no relationship with that particular software publisher), Authorized User can base its' decision on lowest price quote received from the remaining contractor (s).***

Each contractor developed a New York State-specific website for these contracts. An Authorized User may access the individual portal pages to the each contractor's website from the Contract Award Notification page.

For pricing not available on the contractor's website:

- (1) Check the Prohibited Software List to determine if the software publisher is included on that list. If so, the software cannot be purchased under the Miscellaneous Software Catalogue Contracts.
- (2) If the publisher does not appear on the Prohibited Software List, please contact the Contractor. The Contractor may be able to add the product(s) to the contract, using the add process set forth in the contract.

#### **Prohibited Software Publisher List:**

The following link includes the software publishers that **are not** available to be purchased from the Miscellaneous Software Contracts (Dell, EnPointe and SHI) <http://www.ogs.state.ny.us/purchase/snt/awardnotes/79518Prohibited.pdf>.

These software publishers have Statewide Centralized Contracts or otherwise are not available under the Miscellaneous Software Catalogue contracts. Please check the NYS web site: [www.ogs.state.ny.us](http://www.ogs.state.ny.us) for additional information.

In light of the frequent changes in the software industry, an Authorized User is strongly urged to contact the Office of General Services with any questions about whether a particular software product is owned by a prohibited software publisher.

NYS PSG Contact Information:

Stephanie Laffin CPPB  
Purchasing Officer I  
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